

---

# Monitoring Police Reform in Nassau County

---

Tracking Implementation Two  
years after George Floyd's Death

**Long Island United to Transform Policing  
and Community Safety**

*October 2022*



LONG ISLAND UNITED TO  
**TRANSFORM**  
**POLICING &**  
COMMUNITY SAFETY

---

# Long Island United to Transform Policing and Community Safety

---

Long Island United (LIU) is a Black-led, multi-racial, multi-ethnic, multi-generational coalition of organizations, activists, and community members who are working to ensure genuine public safety for all Long Island communities. Our mission is to transform public safety by divesting from policing and investing in our communities. LIU aims to collectively transform a public safety system rooted in violence and systemic racism into one that secures the liberation and healing of all members of our community.

This report was compiled by the Long Island United Police Accountability Working Group.

## Acknowledgements

We would like to acknowledge the support of our sister organizations in the fight for police reform; United for Justice in Policing Long Island (UJPLI) and Long Island Advocates for Police Accountability. This includes all their members who bring a deep bench of expertise and support in all our endeavors. We'd also like to express gratitude to the Long Island United Mental Health Working Group for their profound dedication to researching alternative responses for Mental Health, Substance Use Disorder and Homelessness and for assisting with this report. We extend a grateful thanks to our LIU Design Team, who has converted this impossibly dense and difficult information into a digestible report, The New York Immigration Coalition (NYIC) and Long Island Language Advocates Coalition (LILAC) for their Language Access testing and reporting. To LILAC specifically and always for helping us infuse all of our work with the awareness and importance of language access. To the Vera Institute for providing research and reporting on transparency and accountability and to the New York Civil Liberties Union for their vigilance with Freedom of Information requests and reporting. Finally, to the Steering Committee of Long Island United for providing material and emotional support and a sense of camaraderie that forever drives us forward.



Please send press inquiries and interest in joining LIU to [LIUTPCS@gmail.com](mailto:LIUTPCS@gmail.com)

Thanks to LIAFPA and UJPLI for co-sponsoring this report



# Table of Contents

Glossary . . . . .	3
Executive Summary . . . . .	4-10
Introduction . . . . .	11-12
Systemic Bias and Data Reporting . . . . .	13-22
Complaints/Investigations/Misconduct . . . . .	23-31
Mental Health and Substance Use Disorder Response . . . . .	32-35
Transparency and Accountability . . . . .	36-42
Conclusions/Requests for Action . . . . .	43-45
Appendix . . . . .	46-71

---

# Glossary of Terms

---

- AG – Attorney General
- CFS – Calls for Service
- COPS – Office of Community Oriented Policing Services (United States Department of Justice)
- DASH – Diagnostic Stabilization Hub
- DOJ – United States Department of Justice
- EO – Executive Order
- ESU – Emergency Services Unit
- FOIL – Freedom of Information Law (request)
- IACP – International Association of Chiefs of Police
- LEA – Law Enforcement Agency
- LEMIO – Law Enforcement Misconduct Investigation Office  
(housed in the AG’s office)
- LILAC – Long Island Language Access Coalition
- LIUTCPS – Long Island United to Transform Policing and Community Safety
- LIU – abbreviation for LIUTCPS
- MCT – Mobile Crisis Team
- NCPD – Nassau County Police Department
- NYIC – New York Immigration Coalition
- OCA – Office of Court Administration
- STAT Act – Police Statistics Transparency (Act)
- VTL – Vehicle and Traffic Law (referring to vehicle stops)



---

# Executive Summary

---

When George Floyd was murdered in Minneapolis in May of 2020 there was a massive and emotional response, as millions of protesters took to the streets all around the country. In New York State, Governor Andrew Cuomo issued Executive Order #203 (EO 203), directing that every New York State municipality with a Law Enforcement Agency, submit a reform plan no later than April 1, 2021 (Appendix A). The EO indicated that the New York State Director of the Division of the Budget was “authorized to condition receipt of future appropriated state or federal funds upon filing.”<sup>1</sup> This meant that if departments did not file a reform plan, they could lose state funding. The EO also directed that stakeholders must be consulted and included a list of possible stakeholder categories.

To assist local governments, the Governor’s office issued the *New York State Police Reform & Reinvention Collaborative: resources and guide for public officials and citizens*.<sup>2</sup>

In response, the Nassau County Police Department (NCPD) developed a plan that it claimed would continue “robust community-oriented policing strategies while working toward further reducing racial disparities in policing.”<sup>3</sup> This report serves, in effect, as a monitoring device, to assess the progress made by the NCPD against its commitments as described in the Police Reform Plan finalized in April 2021. The report focuses on four key areas: 1) Systemic Bias and Data Reporting 2) Complaints/ Investigations/Misconduct 3) Mental Health and Substance Use Disorder and 4) Transparency and Accountability.

Long Island United to Transform Policing and Community Safety's assessment of NCPD's progress across these four areas are based primarily on the 1 Year Follow-Up Report.<sup>4</sup> The assessment also draws from external reporting or case-examples where appropriate.

While a more complete analysis would include two years of data, the NCPD has not provided updates on the state of reform since their 1 Year Report and has removed their entire police reform webpage. A representative from the NCPD had stated that an updated report would be available sometime in July 2022. To date, that report has not been provided. This failure to report reflects a serious lack of commitment and directly contradicts their commitments to “report biannually at a public hearing to brief the Legislature on progress of implementation and compliance with the EO 203 Police Reform Plan.”<sup>4</sup>

This report will show that the Nassau County Police Reforms are superficial and disingenuous with regards to the NCPD’s stated goals. The way the 1 Year Report is written, which essentially reads as a list of accomplishments and existing practices, strategically capitalizes on the public’s inability to parse complicated data analysis, and the time commitment necessary to do a deep dive. As such, this report aims to provide that essential deep dive, beginning with this Executive Summary as a preview.

---

<sup>1</sup> [https://www.governor.ny.gov/sites/default/files/atoms/files/EO\\_203.pdf](https://www.governor.ny.gov/sites/default/files/atoms/files/EO_203.pdf)

<sup>2</sup> <https://policereform.ny.gov/>

<sup>3</sup> <https://www.nassaucountyny.gov/DocumentCenter/View/31611/Draft-with-Exhibits?bidId=> Page 3

<sup>4</sup> <https://www.nassaucountyny.gov/DocumentCenter/View/36211/1-Year-Follow-Up-Report-FINAL?bidId=>; Page 2

## Systemic Bias and Data Reporting

As the Governor's EO 203 emphasizes, the reduction of racial disparities (i.e., outcomes) in policing was the number one goal of mandating police reform throughout the state.<sup>5</sup> This report will show that the plan outlined by the NCPD did little to set measurable targets with regards to expected outcomes and did not move the needle on reducing bias in policing. It should also be noted that Nassau County's transparency problem means there is no data available to set baselines, a vital component of evidence-based analysis.

In fact, the Police Commissioner stated that his own data could not be accurately used for analysis and evaluation against Nassau County population numbers because it included stops on the Long Island Expressway involving people from other counties such as Suffolk and Queens.<sup>6</sup>

Despite these shortcomings, the data released in the Department's 1 Year Report does shed some light on the current state of bias as it relates to Arrests, Complaints, Summons, Field Interview, and Use of Force. In nearly all reported categories, Black and Latino individuals are overrepresented. For example, Arrests, under the modeled scenarios in this report show that Black people are 2.3 - 5.7x more likely to be arrested than white people. Under the same assumptions, Latino individuals are 1.6 - 2.3x more likely to be arrested. This overrepresentation holds true across all categories of Arrest. While the magnitude varies, the same trend holds true for Use of Force, Field Interviews, and Vehicular Traffic Stops (VTL). While the lack of transparency makes it difficult to assess whether the data suggests any change since reforms were enacted, it does illustrate a department clearly falling short of its commitment to reducing racial bias in policing.

## Complaints/Investigations/Police Misconduct

Perhaps one of the most important components in handling complaints and investigations, is public trust. According to the United Nations Office on Drugs and Crime (UNODC), "an effective [complaint system] that enjoys the confidence of the public and the police alike is an important indicator of high standards of accountability and is likely to help police in restoring or enhancing public confidence."<sup>7</sup> Such a complaint process would include the ability to file complaints with the police and an independent body, which "must be responsible for oversight over the entire police complaints process" and will "protect those making complaints from being intimidated by the police."<sup>8</sup>

Currently, the NCPD investigates its own officers with limited accountability and transparency. Throughout the drafting of the reforms, advocates repeatedly requested that an Inspector General and a Civilian Complaint Review Board be adopted as part of the police reform plan, as can be seen in the reform document crafted by advocates known as The People's Plan.<sup>9</sup> The Final Reform Plan includes neither.

---

<sup>5</sup> [https://www.governor.ny.gov/sites/default/files/atoms/files/EO\\_203.pdf](https://www.governor.ny.gov/sites/default/files/atoms/files/EO_203.pdf)

<sup>6</sup> <https://www.wshu.org/long-island-news/2022-02-04/nassau-police-say-non-residents-are-causing-racial-enforcement-disparity-data-suggests-otherwise>

<sup>7</sup> [https://www.unodc.org/pdf/criminal\\_justice/Handbook\\_on\\_police\\_Accountability\\_Oversight\\_and\\_Integrity.pdf](https://www.unodc.org/pdf/criminal_justice/Handbook_on_police_Accountability_Oversight_and_Integrity.pdf) ; Page 33

<sup>8</sup> [https://www.unodc.org/pdf/criminal\\_justice/Handbook\\_on\\_police\\_Accountability\\_Oversight\\_and\\_Integrity.pdf](https://www.unodc.org/pdf/criminal_justice/Handbook_on_police_Accountability_Oversight_and_Integrity.pdf) ; Page 34

<sup>9</sup> <https://www.liunited.org/the-peoples-plan> ; Page 100, Page 136

## Executive Summary

This report will show that the NCPD's commitment to change relating to complaints and investigations, is minimal at best. It promises to 1) add the ability to upload videos on its website; 2) improve language access; 3) adhere to legally required disclosure of police disciplinary records; 4) provide information to the public when asked; and 5) to report bi-annually and provide data on any investigations resulting in "Founded" allegations.

Curiously, the Police Reform Plan also includes, under its reforms, the ability of the Attorney General's office (A.G.) to investigate Use of Force and other incidences per Executive Law 70-B and 75. Citing the functions of a New York State Executive department cannot be considered a Nassau County Police Reform. The inclusion of these functions in the report may be an attempt to invalidate the need for local oversight. However, the Reform Plan does not share how the A.G.'s office receives complaints, or what triggers an intervention. It also doesn't share that there are over 500 Law Enforcement Agencies in New York State, and that the A.G.'s office cannot possibly serve as an effective oversight mechanism to all of them. These are all points the average person would not know or think to ask, which is what the NCPD was counting on when they chose to include the A.G. functions as part of their reform items.

While the police department has provided an upload mechanism for videos, this seems to be the only tangible reform relating to complaints and investigations. Per a recent Language Access Report – [Unprotected and Unheard: Nassau County Police Department Fails Immigrant Communities](#) – issued by The New York Immigration Coalition (NYIC) and the Long Island Language Advocates Coalition (LILAC), language access is nowhere near consistent or dependable.<sup>10</sup>

As for complying with disciplinary record requests, the NCPD has recently been in court resisting release of records, until ordered by a court to do so. Additionally, they promised to provide information to the public when asked, meaning at the time of a stop, the public can ask for a badge number, name and a complaint form. This is not a reform, because it is not a new policy. It also places the onus on the public to ask, and willfully ignores the power dynamic inherent in a police stop. Finally, the NCPD are not delivering on their promise to report biannually, and interestingly, the complaint form on the website asks "Would you like to be contacted?" The default response is set on "no." This is problematic because 1) Their complaint procedures specifically says that complainants will be contacted within 3 days of filing. There is nothing in the procedure that indicates they should be asked if they want to be contacted. 2) People might not see the default and submit a complaint with the default setting on no, especially if there is a language barrier.

Over the course of many years, advocates have received phone calls and correspondence from the public stating they were afraid to submit a complaint, that they could not get a complaint form at their precincts, or, if they did, they never heard back from the police. The public is encouraged to contact [Nassau@nyclu.org](mailto:Nassau@nyclu.org) if they were not able to obtain a complaint form at their precinct, were not provided with interpreters in order to obtain a complaint form from their precinct, were not contacted within 3 days of filing a complaint, or if the investigation was not completed in 30 days. Although NYCLU does not have the capacity to assist in getting resolution, the organization may be able to gather information.

*Collecting stories may be the only way to conduct oversight of this department.*

---

<sup>10</sup> <https://www.nyic.org/wp-content/uploads/2022/09/Report-NCPD-Language-Access-Testing-2022.pdf>

## Mental Health and Substance Use Disorder

It has been widely acknowledged throughout the police reform movement, and sometimes even by the police themselves, that non-criminal activity should not always require a police response. Yet, because we are tied to one intake system, 911, all forms of social and medical issues land at the feet of the Police Department. While the Nassau County Police Department proclaims in its reform plan that “there is no assignment that is too big or small for the NCPD,”<sup>11</sup> advocates have pointed out that although this is a well-intentioned statement, the police are not trained to engage in all assignments. Nor should the apparatus of the criminal justice system be introduced into every sphere of society, which includes the possibility for criminalization, data collection and surveillance. Mental Health, Substance Use Disorder, and Homelessness are examples of medical and social issues, not criminal justice issues.

Prior to Police Reform, mental health calls were funneled through 911 dispatch operators. Police officers, supervisors and medics were the first responders, and they had the option of contacting the Mobile Crisis Team (MCT), who are experts in mental health. Access to emergency intake medical care was limited. There was only one medical center with a receiving psychiatric unit for the police – Nassau University Medical Center. While other hospitals provided walk-ins, the hours were limited and did not include anything after 11 p.m. or on weekends.

During the period of police reform, the NC Police Commissioner and Legislators were open to alternatives and information. They spent hours with advocates learning about programs from all over the country – in Austin, TX, Denver, CO, and Eugene, OR. Advocates also shared information about Suffolk County’s DASH (Diagnostic Stabilization Hub) program, which included stabilization centers where mental health experts assist people in avoiding hospitalization and are open 24/7/365.

In its June 2021 response to then-Governor Cuomo’s EO 203, NCPD promised to 1) establish a tiered mental health response; 2) train 911 dispatchers to identify mental health calls using a script; 3) divert to Mobile Crisis when deemed appropriate; and 4) add five teams of mental health experts to the Mobile Crisis teams, and additional support staff throughout the system.

This report will provide updates on any progress made to this point, keeping in mind, that advocates have repeatedly requested meetings with the Police to track implementation and have not been successful.

Regarding Substance Use Disorder response, this report will illustrate that the police department believes that Substance Use Disorder should be handled by the police (criminal justice system) rather than being treated as a medical issue. While on-site medical assistance is, of course, administered in the case of overdoses, this report will discuss how the criminal justice system plays a big role in follow-up visits to the home. In fact, the Police Commissioner is extremely invested in his opioid mapping program, Operation Natalie, which he has described to advocates as overlaying maps of overdose addresses on maps of petty larceny addresses. This is followed by a home visit by the police, which according to the Police Commissioner, results in people entering rehab and diversion programs.

---

<sup>11</sup> <https://www.nassaucountyny.gov/DocumentCenter/View/31611/Draft-with-Exhibits?bidId>; Page 58

This report will raise serious questions concerning legal thresholds used to establish connections between overdose survivors, their proximity to petty larcenies, and the eventual entry into the criminal justice system in the form of diversion programs. In short, the Mental Health and Substance Use Disorder section will illustrate some progress toward a more humane approach to mental health response, while also raising important questions.

### Transparency and Accountability

Transparency is not only necessary for basic community safety but also for the Police Reform Plan to be successful. Accountability is only possible if Transparency is practiced.

This report will illustrate how accountability has been hampered on many fronts, including; 1) resistance to Freedom of Information Law requests (FOIL) 2) flawed and unscientific data reporting 3) mischaracterizations of promised reforms and misdirection concerning existing data and reporting laws 4) removal of website information and 5) inaccurate and manipulative public education materials.

In fact, The Vera Institute of Justice (Vera) recently issued a report with its most recent Police Data Transparency Index (<https://policetransparency.vera.org/>). The NCPD received a score of 12 out of 100 possible points – *the third worst of 94 major departments studied*.<sup>12</sup>

### Resistance to Freedom of Information requests (FOILS)

The Police Reform Plan promised to comply with the repeal of 50-A, a provision in state law that protected police disciplinary records. But it will only share records relating to investigations resulting in ‘Founded’ outcomes. This report will illustrate the limited number of investigations resulting in ‘Founded’ outcomes and the categories reporting no ‘Founded’ outcomes at all. Because the police investigate their own misconduct internally, and findings of misconduct are infrequent, this flawed policy of only sharing ‘Founded’ outcomes further undermines public trust. It will examine the fact that over \$55 million was spent on court settlements over a five-year period, and ask how so much money could be spent on possible police misconduct while so few investigatory outcomes show police misconduct. It is possible that complaints were not filed, but rather citizens went straight to court. With the lack of transparency surrounding complaints and investigations, we might never know. The report will also share that the Police Department has been in litigation with the New York Civil Liberties Union because it has been resisting a FOIL request which included police disciplinary records as well as Field Stops and Use of Force data. The NYCLU is currently awaiting court ordered records.

---

<sup>12</sup> <https://policetransparency.vera.org/>



*Data Reporting*

As shared previously, the data collected and released by the NCPD is deeply flawed across reported categories, combining County residents and non-residents leading Commissioner Ryder himself to assert that the department's own data cannot be used to draw conclusions. He committed to a follow-up with appropriate breakdowns in the January 2022 Public Safety Hearing on the 1 Year Update but has not followed through.

The Police Reform Plan also states that the NCPD will comply with the New York State mandated requirements under the STAT Act (Police Statistics And Transparency), "as requested by advocates". This report will assert; 1) promising to follow the law is not a Police Reform 2) the STAT Act requires that data be posted on the Office of Court Administration's (OCA) website<sup>13</sup>, and Nassau County residents have no way of knowing this, meaning they wouldn't know where to look for the data. 3) The Advocates did not simply request compliance with the State STAT Act. They requested a local version of the STAT Act be passed by the county legislature and all data be posted on the Police website, along with the OCA data not included in any potential local legislation. Unfortunately, local legislation was never introduced, or passed, but the Commissioner verbally committed to post the OCA data on the Nassau County website and, to date, has not complied.

*Omissions in Public Education*

The Police Reform Plan also mentions the brochure put out by the police department, "What to do when Stopped by the Police." <https://www.pdcn.org/DocumentCenter/View/4074/Stopped-by-Police-2022-Tri-Fold?bidId=> (See appendix B). This brochure tells the public to comply and stay calm among other things. It doesn't share important rights of the person being stopped. For instance, if a person is asked to step out of the car and is searched, the brochure does not share that they have a right to say "I do not consent to this search." It also does not share that if the stop turns into something longer than just an encounter, they have a right to ask "Am I free to go?" These are important legal phrases that indicate to officers that people who are being stopped know their rights and can be introduced into any legal proceedings relating to the stop.

---

<sup>13</sup> <https://www.nycourts.gov/>

## Sources Used

In reviewing and researching policing standards of conduct and best practices this report relied on many different institutions and organizations for guidance. The purpose of this report is centered on the need for cultural change in policing and the need for greater public awareness of how government power is deployed through law enforcement. In light of the current state of the United States carceral system, we looked to international and multilateral bodies for guidance on standards that are not exclusively informed by United States practice.

In evaluating sources, it is also important to acknowledge the idea of industry capture, meaning that policing agencies meant to provide oversight, also provide trainings and guidance, and are usually staffed with law enforcement veterans. This can be beneficial. However, policing veterans are also vulnerable to viewing the world exclusively through a criminal justice lens, feeling akin to and sometimes protective over those they oversee and assist.

Still, we recognize and rely on the expertise of the U.S. Department of Justice's Community Oriented Policing Services (COPS), for guidance, as those with boots on the ground bring important insights and experience to provide guidance for praxis and have informed countless international reports and recommendations.

We also rely on the International Association of Chiefs of Police (IACP), which employs an international lens through its global membership. And we look to the United Nations commitment to Human Rights Standards (which includes roundtables and conferences attended by IACP experts, Amnesty International, Human Rights Watch, the Vera Institute, the Hague, International Committee of the Red Cross, and the DOJ/COPS).

We understand that the Nassau County Police Department is under no obligation (in most cases) to adhere to international Human Rights Standards and we do not use those standards as a measure of success or failure in this report. We cite these standards as ethical benchmarks toward which to strive. They also make sense to the eye of most civilian observers, in building trust between civilians and the entities that hold the power to change their lives in an instant...for good and for bad.

---

# Introduction

---

## Executive Order #203

The goal of this report is to inform the Governor, State and local Legislators, oversight bodies, and the public writ large of the significant reform gaps across the four focus areas mentioned in the Executive Summary. The findings in this report will highlight that the NCPD has used the passing of time and dissipation of public attention to revert to old practices and ignore commitments. This is perhaps most evident in the discontinuation of biannual reporting and the removal of the entire Police Reform webpage.

It is important to remember that EO 203 only threatened to withhold funding from agencies who did not *file a plan*. It never promised that anyone would actually read and evaluate them against qualitative or quantitative criteria in any category of policing. The mere filing of the plan was enough. As a result, there is a large catalogue of police reform plans from around the state, housed at the SUNY Albany Law School, with no indication if any of them were read by the anyone at the Governor's office.

While the focus of this report is on NCPD's reform plans, it is worth acknowledging that EO 203 exclusively targeted Law Enforcement Agencies for change, when, in fact, Law Enforcement is not the only entity responsible for policing in New York State.

County and municipal legislators play a role in oversight and legislation, and County and local executives play a role in hiring and firing police commissioners. Existing state legislation, and standing court decisions render some reforms impossible. District Attorneys work closely with the police, and Police Unions, budgets and campaign laws play an enormous role in law enforcement as well. This was well understood by the former Governor when the order was issued. It was also well known by the Nassau County government entities charged with drafting a plan. The average person would not be aware of these entanglements that render real comprehensive reform mute. The likelihood of enacting substantive and long-lasting policing reforms in New York State was severely limited within the confines of EO 203.

## Collaboration with the Public

Additionally, the mandate to consult stakeholders as worded in the Executive Order, allowed the Nassau County Executive to embrace stakeholders who were routinely already working with the police. Advocates who were more adversarial and demanding of change had to fight for a seat on the task forces. When they were finally included, they found the task forces were not given access to the data and policies needed to do their work. They were not collaboratively writing the police reform plan, but rather, the Police Commissioner himself and his staff were writing the plan. Indeed, in February of 2021, the Police Commissioner posted the proposed plan to the website without notifying the task force in advance, which prompted a mass resignation of the task-force members.

In response, advocates from three police coalitions, Long Island United, Long Island Advocates for Police Accountability and United for Justice In Policing Long Island (UJPLI), met with their members, formed working groups, and began to write their own Police Reform Plan. This collaborative effort is known as The People's Plan.<sup>14</sup>



## *Introduction*

Throughout the hearings leading up to the adoption of the Nassau County Police Reform Plan, the Nassau County Legislature provided many opportunities for the advocates to share The People's Plan and even though very few recommendations were adopted, it is referenced in the final Police Reform Plan as submitted on April 1. Ultimately, the final reform plan was insubstantial, facilitated by the very DNA of its source, EO 203.

On a final note, we send gratitude to New York State Attorney General Letitia James for reading and evaluating the Nassau County Police Reform Plan. Shortly after the April 1 deadline, James asserted the need for more rigorous oversight in Nassau County, stating that she shared lawmakers' "concerns about the failure to create meaningful checks on law enforcement in Nassau County."<sup>15</sup>

---

<sup>14</sup> <https://www.liunited.org/the-peoples-plan>

<sup>15</sup> <https://www.newsday.com/long-island/politics/nassau-police-curran-letitia-james-k85167>

---

# A Deeper Dive into Nassau County Police Reforms – Status and Concerns

---

## Systemic Bias and Data Reporting

This section is data-driven. Look for the boxes for summary of findings.

### Background

EO 203 was issued as a means of addressing “racially-biased law enforcement [and] to demand change, action, and accountability”<sup>16</sup> in the wake of the murder of George Floyd. The NCPD, in response, developed a plan that it claimed would continue “robust community-oriented policing strategies while working toward further reducing racial disparities in policing.”<sup>17</sup> Yet, the plan outlined by the NCPD does little to set measurable targets with regards to expected outcomes.

The only data that has been made publicly available was released as part of a 12-month update to the Police Reform Plan and can be found in the back of this report as appendix (C). This data includes Arrests, Complaints, Summons, Field Interviews, and Use of Force for the period of January 2021 to December 2021. For each data category, breakdowns are provided by demographic. Further breakdowns are provided appropriate to the category.

As will be discussed in greater detail to follow, the data that has been provided by the NCPD shows a continued pattern of racial bias. Due to an ongoing lack of transparency prior to reform, it is difficult to set baselines and assert whether the data suggests any change since reforms were enacted. However, it clearly shows a department falling short of its commitment to reducing racial bias in policing. Across nearly all dimensions including Arrests, Field Interviews (FI), Use of Force, and Vehicle and Traffic Law (VTL) stops, racial bias is prevalent.

It should be noted that while Commissioner Ryder was testifying at a public hearing of the NC Legislature, he pointed out that the demographic data blends residents and non-residents. This makes it difficult to assess racial bias based on population data through traditional means. This unscientific approach creates ambiguity, and capitalizes on the public’s inability to parse complicated data analysis. This also makes it difficult to identify problems and subsequent solutions. At the hearing, he went on to assert that many non-white residents may be entering the county and “[coming] here to commit some kind of criminal act.”<sup>18</sup>

---

<sup>16</sup> [https://www.governor.ny.gov/sites/default/files/atoms/files/EO\\_203.pdf](https://www.governor.ny.gov/sites/default/files/atoms/files/EO_203.pdf) ; Page 1

<sup>17</sup> <https://www.nassaucountyny.gov/DocumentCenter/View/31611/Draft-with-Exhibits?bidId=> ; Page 7

<sup>18</sup> <https://www.wshu.org/long-island-news/2022-02-04/nassau-police-say-non-residents-are-causing-racial-enforcement-disparity-data-suggests-otherwise>

Commissioner Ryder has committed to providing a demographic breakdown of residents and non-residents across each category but has yet to deliver this data.

Despite this claim, LIU independent analysis shows that there is clear evidence in this report to suggest that Black and Latino populations are being targeted at rates far higher than other racial and ethnic groups.

## Methods of Analysis

Long Island United (LIU) analyzed population demographics across various police-reported categories including Arrests broken out by Arrest type, Field Interviews and Pat-Downs, Use of Force, and Traffic Stops (VTL). To address Commissioner Ryder's claim that NCPD deals with significant crime from people out of county, and the fact that his analysis combines resident and non-resident data, this analysis considers two scenarios with two separate sets of assumptions about the population with which the NCPD polices. These scenarios are considered separately, to determine if either or both still show racial bias.

In *scenario 1*, the demographics of the population policed by the NCPD mirrors that of Nassau County only. *Scenario 2* assumes the demographics of the population policed by the NCPD mirrors Nassau, Suffolk, Queens, and Kings counties, which is of course a more diverse population. Even if we accept Commissioner Ryder's claim that many people are coming into Nassau from outside the county, it is important to know if Nassau County Policing is racially biased regardless of who they are stopping and where they come from.

Demographics	Scenario 1 Nassau only	Scenario 2 all counties
Asian / Pacific Islander	12%	14%
Black	11%	19%
Hispanic / Latino	18%	20%
White	56%	42%
American Indian / Alaskan Native	4%	1%

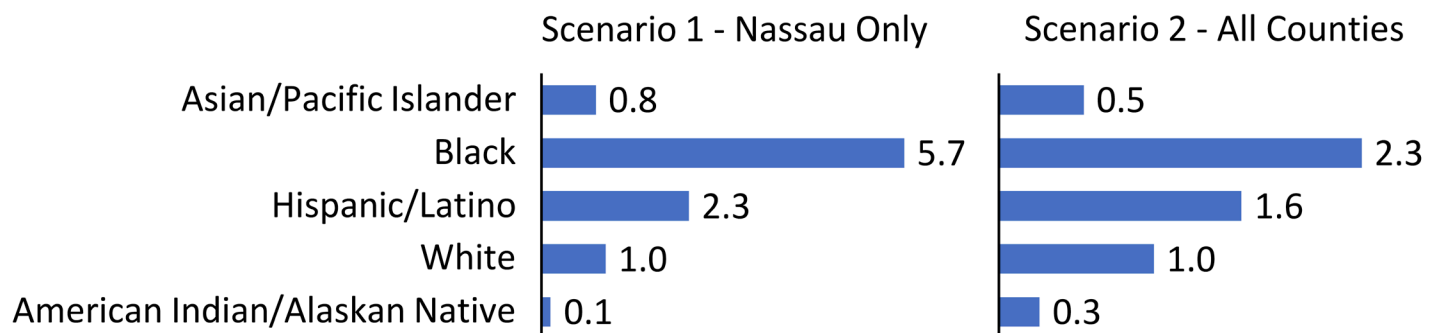
For each data category, representation of each demographic is compared to white individuals, with a particular focus on Black and Latino individuals who consistently show overrepresentation. For each analyzed category, a range of overrepresentation is provided; the low end of this range will typically correspond with scenario 2 and the high end will typically correspond with scenario 1. It is impossible to ascertain the exact demographics of individuals who may come into contact with the NCPD as the county borders are fluid and these demographics likely shift daily. That said, the likelihood should be close to a value of 1 if there is true racial parity in police interactions. This approach demonstrates that regardless of the assumed demographics of residents and non-residents, the racial disparities in policing are clear.

## Analysis and Conclusions

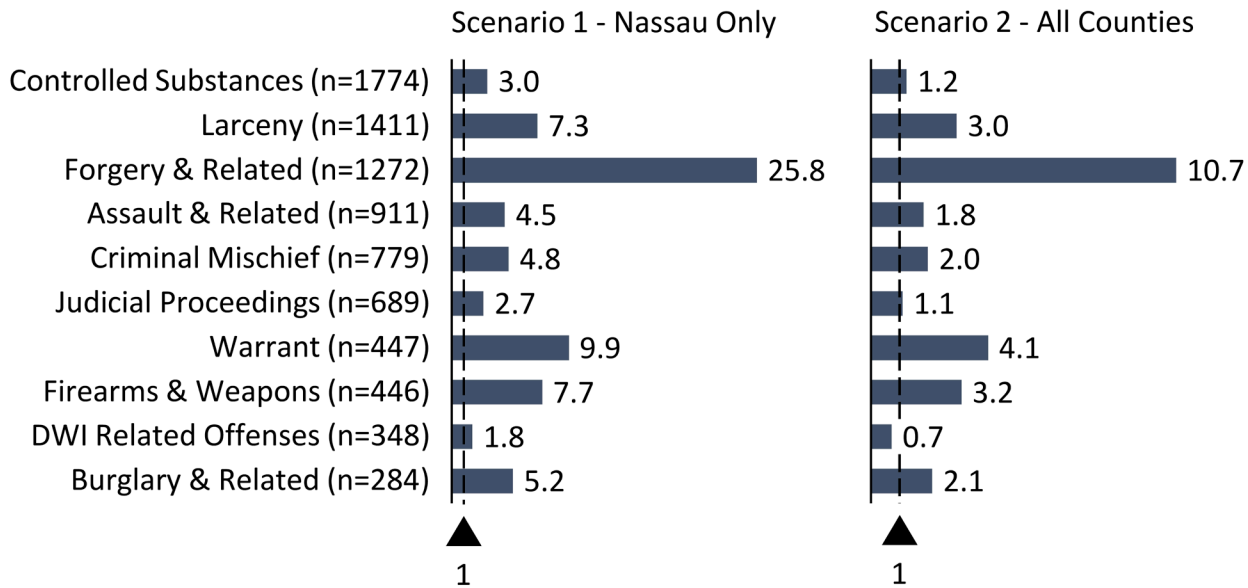
### *The Bottom Line on Arrests*

Arrest data has been provided broken down by demographic, community, residential status, and type of crime. In the 12-month period review for which data was provided, there were 10,272 arrests. At the total arrest level, under the modeled scenarios, Black people are ~2.3-5.7x more likely to be arrested than white people. Under the same assumptions, Latino individuals are 1.6-2.3x more likely to be arrested.

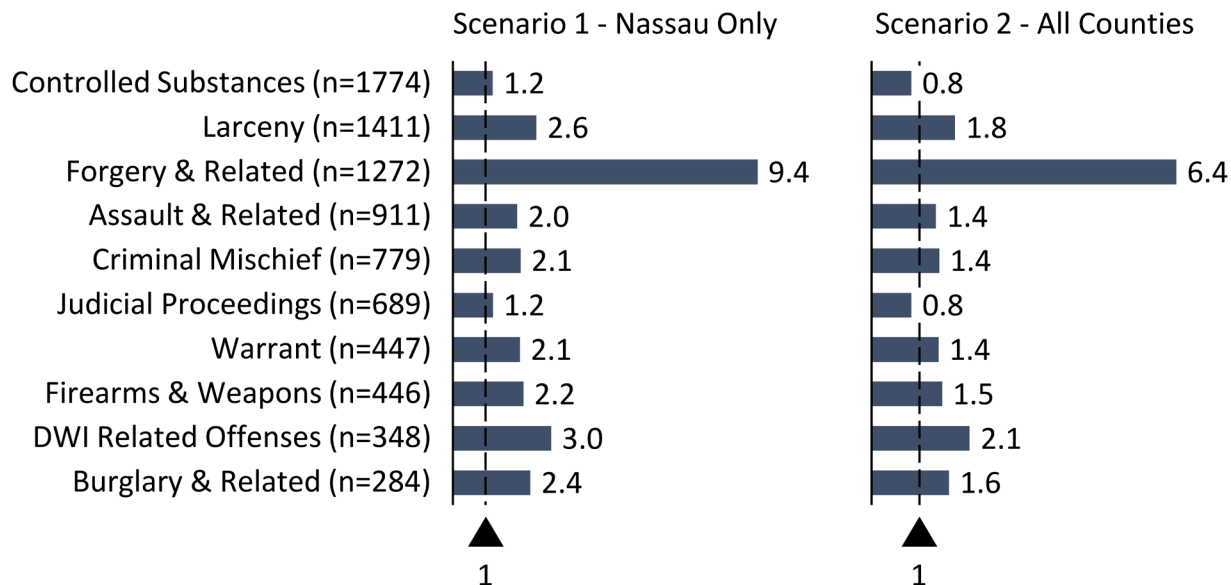
## Arrest Data



### Likelihood of arrest of Black individuals as compared to white individuals by arrest category



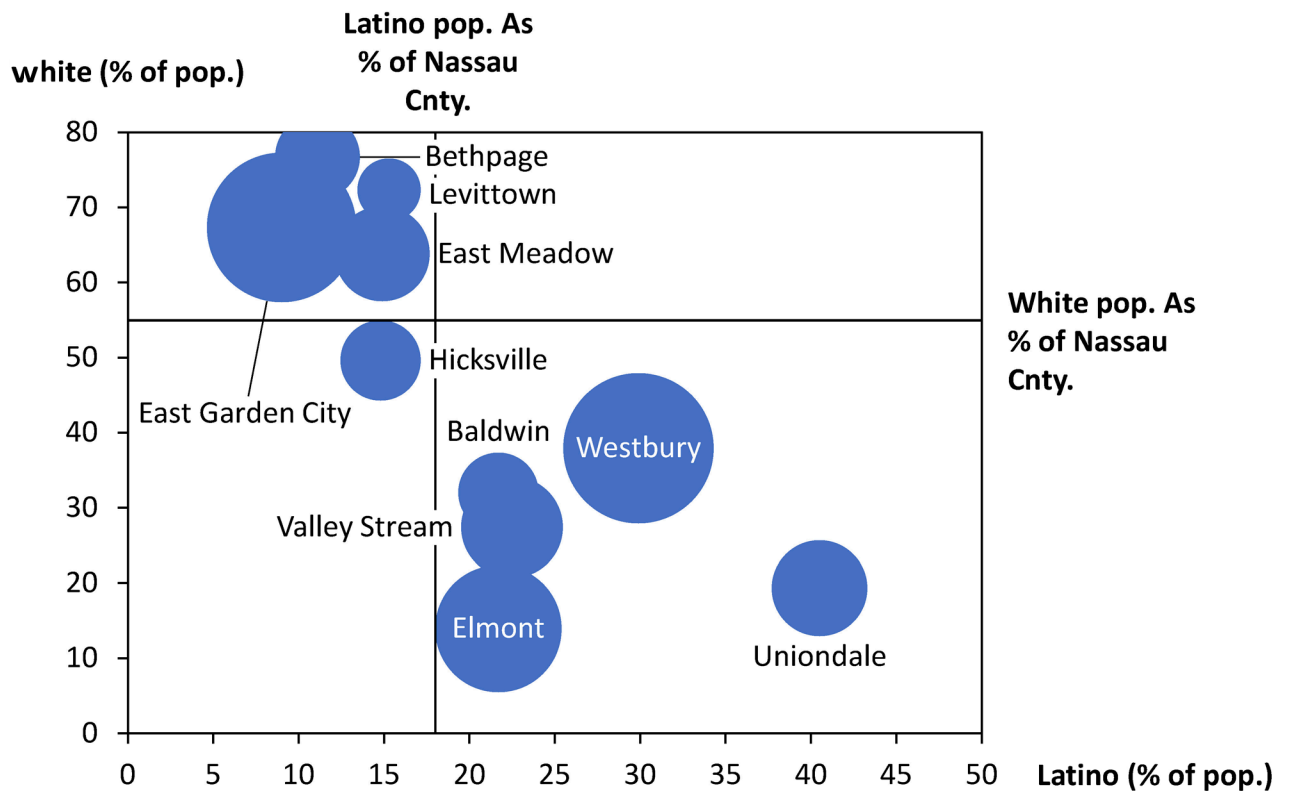
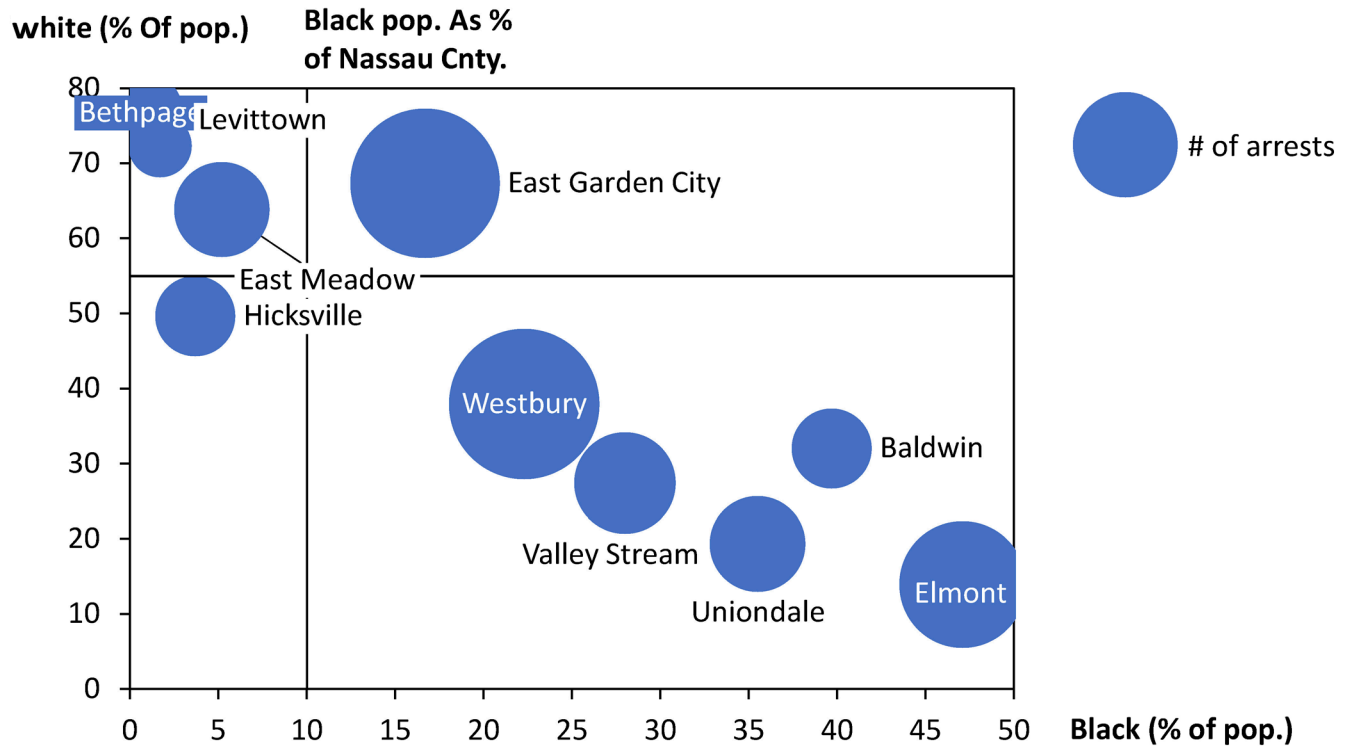
### Likelihood of arrest of Latino individuals as compared to white individuals by arrest category



As expected, the communities most impacted by the disproportionate arrest are communities of color. Despite the Commissioner's claim that the disproportionate racial makeup of arrests is due to nonresidents, three out of the five communities with most arrests compared to Calls for Service (CFS) breakdown are predominantly Black and Latino.

Looking at the top ten communities, five of them are predominantly Black and Latino. This is despite the fact that Black and Latino individuals make up less than 30% of the population of Nassau County. The below charts show the population demographic breakdowns of the top 10 communities with most arrests compared to CFS breakdown.

*Likelihood of Arrests of Individuals in Demographic  
as Compared to white Individuals by Arrest Category\**



\*Communities to the right of the vertical partition are disproportionately Black or Latino as compared to the population of Nassau County. Communities above the horizontal partition are disproportionately white as compared to the population of Nassau County. The size of each bubble represents the number of arrests.

## Field Interviews (FI)

As described above, Black and Latino individuals are arrested at significantly higher rates than white individuals across nearly all arrest categories. The data suggests that much of this is due to the over-policing of neighborhoods that are disproportionately Black or Latino. Perhaps more troubling is the category of “field interviews,” which is the terminology used for instances in which an individual is stopped by a police officer. Unfortunately, with the data provided, it is impossible to understand the outcome of field interviews, meaning there is no way to understand if there was a resulting law enforcement action.

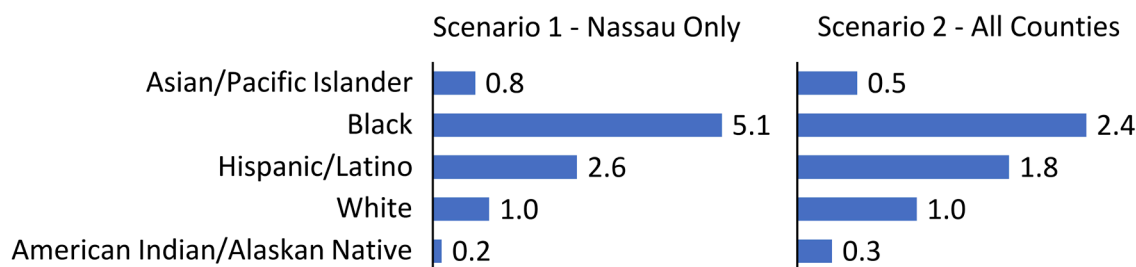
Field Interview data has been provided by demographic, community, and pat-downs vs. no pat-downs. For pat-downs specifically, data on the time and reason for pat-downs has been provided. In the 12-month period for which data was provided, there were 3,028 Field Interviews leading to 805 pat-downs.

### *The Bottom Line on Field Interviews*

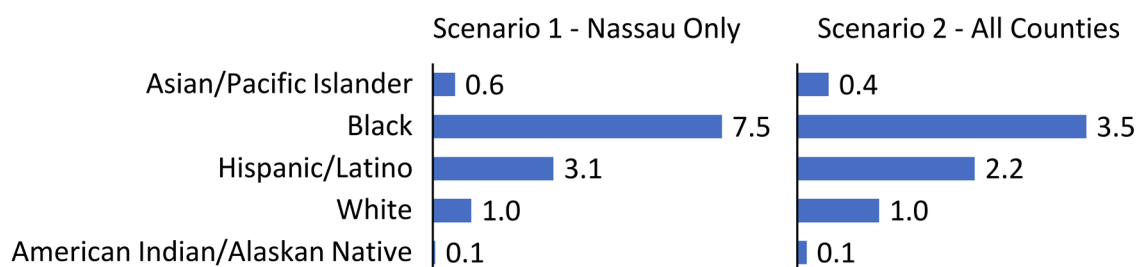
With regards to all field interviews, under the modeled scenarios, Black people are ~2.4-5.1x more likely to be subjected to a field interview than white people. Under the same assumptions, Latino individuals are ~1.8-2.6x more likely to be subjected to a field interview. The comparisons are starker when looking at pat-downs specifically, with Black individuals being ~3.5-7.5x more likely to be subject to a pat-down than white individuals and Latino individuals being ~2.2-3.1x more likely than white individuals to be subjected to a pat-down. In fact, people of color compose over 60% of total field interviews and 68% of pat-downs in a county that is 56% white.

### Data on Field Interviews

#### Likelihood of FI as compared to white individuals



#### Likelihood of pat-down as compared to white individuals



As is the case with arrests, field interviews are primarily conducted in communities of color and mostly the same communities in which arrests are prevalent. Of the 10 communities with the most field interviews (representing 43.5% of total field interviews conducted), 8 are communities that appear in the list of the top 10 communities with the most arrests. This, of course, makes sense, as field interviews serve as a significant entry point into the criminal justice system and more field interviews will inevitably lead to more arrests. The prevalence of field interviews in communities of color points to a clear pattern of over-policing of these communities as compared to white communities.

### Pat Downs during Field Interviews

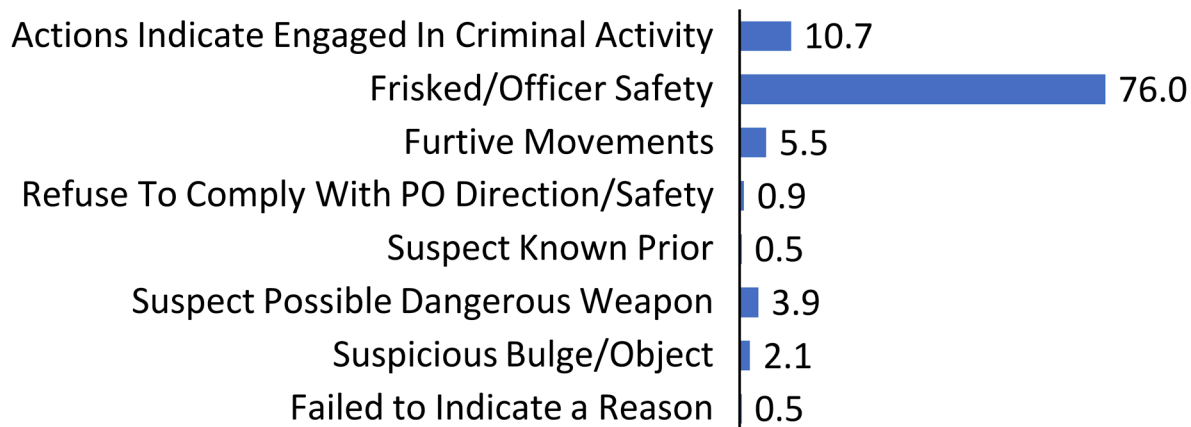
In addition to demographic and community breakdowns, the NCPD has provided some additional data on pat-downs, specifically including breakdowns by time of day and reason. The NCPD has broken down the “reason for pat-down” into 8 potential categories:

- Actions Indicate Engaged in Criminal Activity
- Frisked/Officer Safety
- Furtive Movements
- Refuse To Comply with PO Direction/Safety
- Suspect Known Prior
- Suspect Possible Dangerous Weapon
- Suspicious Bulge/Object
- Failed to Indicate a Reason

This data is perhaps most troubling, as over 80% of pat-downs are related to the categories of “*Frisked/Officer Safety*” and “*Furtive Movements*.” These categories are highly ambiguous and do not suggest any true cause for suspicion, unlike the other 6 categories. Additionally, implicit bias will likely play a major role in officers patting down individuals due to feeling unsafe (i.e., “officer safety”).

### Pat-downs by Reason

#### % breakdown of reason for pat-downs





## Use of Force

Use of Force data has been provided broken down by demographic, type of force, and circumstances for force. Inconsistent with other data, Use of Force data is not available by community. There is no clear reason for omitting this data and no rationale has been provided. In the 12-month period for which data was provided, there were 440 Use of Force incidents.

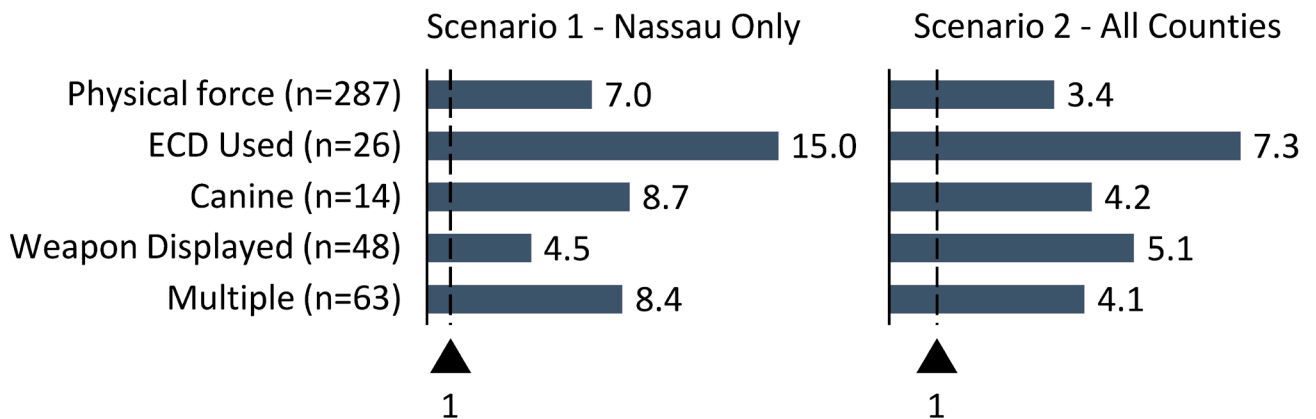
Under the modeled scenarios, Black people are ~3.9-8.0x more likely to be subjected to Use of Force than white people. Under the same assumptions, Latino individuals are ~1.8-3.1x more likely to be subjected to Use of Force. This pattern is true across all types of force for Black individuals and most types for Latino individuals, including the most used types of force (physical force, weapon display, and multiple).

*Note that “multiple” is its own category with no clarification provided as to what types of force are included.*

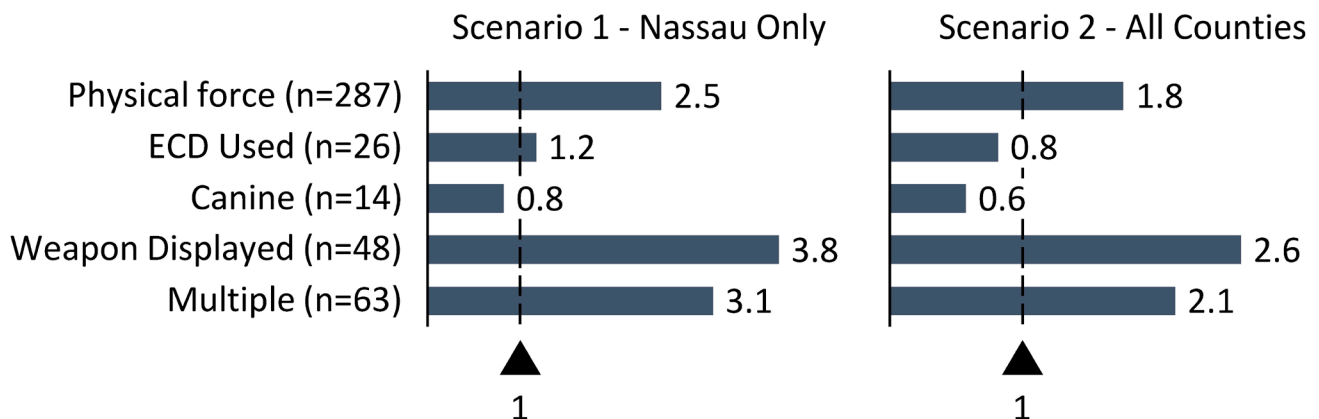
### The Data on Use of Force

#### Use of Force by Type

##### Likelihood of use-of-force of Black individuals as compared to white individuals by type



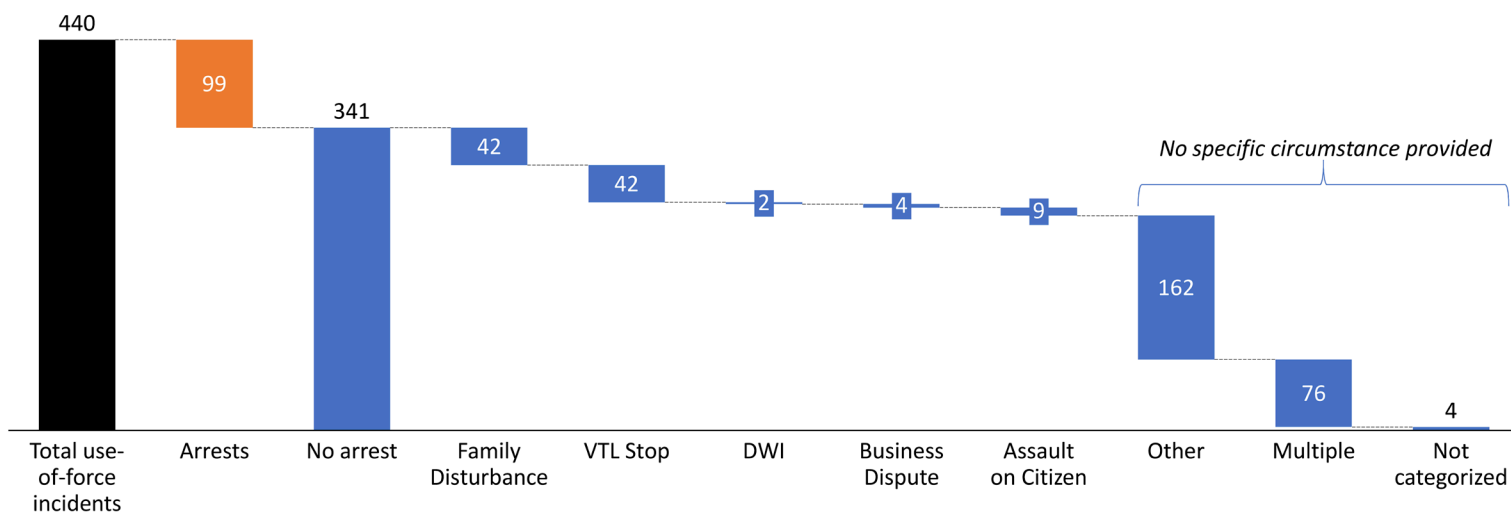
##### Likelihood of use-of-force of Latino individuals as compared to white individuals by type



The following chart explains Use of Force incidents by circumstance. Comprehensive data of actions taken after force was deployed has not been provided. Arrests have been broken out as a separate category under “circumstance” despite not being a “circumstance” for Use of Force, (i.e. an arrest in and of itself should not warrant Use of Force). That said, only 99 of the 440 Use of Force incidents resulted in arrest.

*This means that over 75% of Use of Force incidents DID NOT result in an arrest being made.*

Number of Use of Force Incidents by Circumstance:

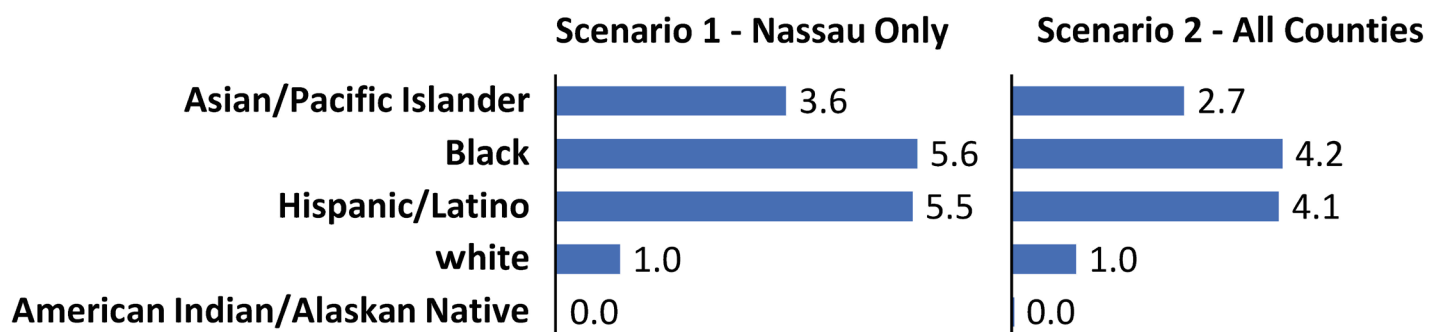


Of the 341 Use of Force incidents that did not result in arrest, no circumstance was provided for 162 (48%) of them and 76 are categorized under “multiple” with no further detail. Four Use of Force incidences are unaccounted for in the data. This means that >70% of Use of Force incidents that did not lead to arrest are effectively uncategorized when it comes to circumstance.

Of these unexplained Use of Force incidents, 62% were against Black or Latino individuals (excluding the 4 Use of Force incidents that are unaccounted for).

## Vehicle and Traffic Law Stops (VTL)

Looking at summons' specifically, Black individuals are given fewer summons as percentage of total VTL than white and Latino individuals. 64% of VTL traffic stops for Black individuals result in a summons whereas 76% of VTL traffic stops result in a summons for Latino individuals and 72% result in a summons for white individuals. However, given the disproportionality of VTL traffic stops, Black individuals are still ~3.7-5.0x more likely to receive a VTL summons than white individuals. Latino individuals are ~4.3-5.8x more likely to receive a summons. This high likelihood for Latino individuals is driven by both a higher likelihood of being stopped combined with a higher percentage of summons issued when compared with white individuals.



### *The Bottom Line on Vehicle and Traffic Law Stops*

VTL data has been provided broken down by demographic, community, and outcome (warning; summons; other). In the 12-month period for which data was provided, there were 35,324 reported VTL traffic stops. Under the modeled scenarios, Black people are ~4.2-5.6x more likely to be stopped than white people. Under the same assumptions, Latino individuals are ~4.1-5.5x more likely to be stopped.

## Systematic Bias Summary

As evidenced through NCPD data, the Nassau County Police Reform Plan has done little to combat the systematic bias embedded in the way in which policing is done. It should be noted that the 6-month data was reviewed as a means of comparison against the 12-month data, to identify any improvements in the latter half of the year worth highlighting. The pattern however remains consistent across both 6-month periods both in absolute and relative terms.

---

# A Deeper Dive into Complaints/Investigations and Misconduct

---

## Police Complaints/Investigations/Misconduct

It should be made clear that the Nassau County Police Reform Plan addressed only “*Complaints*” in its categories for reform. This report attempts to cover complaints (how the public can access the complaint process) and investigations (how the department investigates itself) keeping in mind that the real issue is identifying misconduct and responding to it.

### Best Practices in Independent Oversight

Transparent and robust handling of complaints, subsequent investigation, and appropriate disciplinary action has been identified by expert agencies around the world as key to accountability, which in turn is foundational to building trust with the public. The United Nations Office on Drugs and Crime’s (UNODC) Handbook on police accountability, oversight and integrity states that “an effective [complaint system] that enjoys the confidence of the public and the police alike is an important indicator of high standards of accountability and is likely to help police in restoring or enhancing public confidence.”<sup>19</sup> It goes on to indicate that such a complaint process would include the ability to file complaints with the police and an independent body, which “must be responsible for oversight over the entire police complaints process [and] will protect those making complaints from being intimidated by the police.”<sup>20</sup> This process should ensure that barriers to accessing the complaint process be removed and that complainants have access to an appeals process.

Importantly, the UNODC states, “It is crucial that police do not investigate their immediate colleagues both to avoid any conflict of interest and to ensure that the investigation may be seen by the public as unbiased and impartial.”<sup>21</sup> This also prevents “the officer from influencing, monitoring or enquiring about the investigation[.]”<sup>20</sup> General recommendations from the UNODC include: regular testing of the process and an audit of the entire system by a body outside the police agency and outside of the independent body routinely involved in investigations.

Currently, the NCPD investigates its own officers with very limited accountability and transparency. Throughout the period of the Nassau County Police Reform movement, September 2020 – April 2021, advocates repeatedly requested that an Inspector General and a Civilian Complaint Review Board, be adopted as part of the police reform plan, as can be seen in the People’s Plan.<sup>22</sup> The Nassau County Police Reform Plan includes neither.

---

<sup>19</sup> [https://www.unodc.org/pdf/criminal\\_justice/Handbook\\_on\\_police\\_Accountability\\_Oversight\\_and\\_Integrity.pdf](https://www.unodc.org/pdf/criminal_justice/Handbook_on_police_Accountability_Oversight_and_Integrity.pdf) ; Page 33

<sup>20</sup> [https://www.unodc.org/pdf/criminal\\_justice/Handbook\\_on\\_police\\_Accountability\\_Oversight\\_and\\_Integrity.pdf](https://www.unodc.org/pdf/criminal_justice/Handbook_on_police_Accountability_Oversight_and_Integrity.pdf) ; Page 34

<sup>21</sup> [https://www.unodc.org/pdf/criminal\\_justice/Handbook\\_on\\_police\\_Accountability\\_Oversight\\_and\\_Integrity.pdf](https://www.unodc.org/pdf/criminal_justice/Handbook_on_police_Accountability_Oversight_and_Integrity.pdf) ; Page 41

<sup>22</sup> <https://www.liunited.org/the-peoples-plan> ; Page 100, Page 136

The lack of civilian oversight is directly contrary to best practices as laid out by the office of Community Oriented Policing Services (COPS) within the U.S. Department of Justice (DOJ). In the report, *The Evolution and Growth of Civilian Oversight: Key Principles and Practices for Effectiveness and Sustainability*, they state, “Civilian oversight of law enforcement can... further the development of public trust, legitimacy, cooperation, and collaboration necessary to improve police-community relations and enhance public safety.”<sup>23</sup> The report concluded by stating, “civilian oversight of law enforcement offers a unique element of legitimacy that internal accountability and review mechanisms simply cannot.”<sup>24</sup>

Similar to what was requested in *The People’s Plan*, the UNODC advises, “...there should be a police complaints body that is independent of both police and prosecution services. Every complaint reported should be recorded with the independent body.”<sup>25</sup>

Despite this guidance from both the United Nations, and the DOJ, neither the Police Department, the County Legislature, or the County Executive saw fit to create an oversight body.

### Overview of current NCPD procedure

Because there were so few reforms to the Complaint and Investigations process, we reviewed current practices as contained in Department Procedure ADM 1211, *Civilian Complaint Investigations*, effective date, November 18, 2020 (Appendix D). We hope this review sheds some light into a dark area, while we also raise some questions and concerns.

AMD1211 outlines definitions and procedures for officers receiving complaints and subsequent procedures for filing and conducting investigations. It provides the definitions for categories of complaints, and categories of findings (Founded, Unfounded, Unsubstantiated, etc), and defines who oversees investigations. The procedural process is described under the following categories: A) Receiving the Complaint; B) Documenting the Complaint; C) Investigating the Complaint; and D) Complaint Findings. AMD 1211 outlines each step of each process, clearly indicating the title of the person responsible for executing each step and references the Blue Team Complaint Tracking Program (software app) used to log complaints. Below is a summary of questions and concerns relating to AM1211 procedures.

---

<sup>23</sup> <https://cops.usdoj.gov/RIC/Publications/cops-w0951-pub.pdf> ; Page v

<sup>24</sup> <https://cops.usdoj.gov/RIC/Publications/cops-w0951-pub.pdf> ; Page vi

<sup>25</sup> [https://www.unodc.org/pdf/criminal\\_justice/Handbook\\_on\\_police\\_Accountability\\_Oversight\\_and\\_Integrity.pdf](https://www.unodc.org/pdf/criminal_justice/Handbook_on_police_Accountability_Oversight_and_Integrity.pdf) ; Page 44

## Questions and Gaps in Current Practices: Administrative Policy 1211

### **AMD1211 Reference and Text**

The member's assigned command will be the investigating command when one member or multiple members from the same command are the subject of the complaint<sup>26</sup>

Section D. 7 – 7a. The Command Internal Affairs Liaison [must] contact the complainant with the results of the investigation and ask them if they are satisfied with the findings.<sup>27</sup>

Section B.21 – a. investigations are to be completed within 30 days<sup>28</sup>

### **Open Questions & Potential Gaps**

This may imply that the Commanding Officer (CO) of the Precinct oversees the investigation if the subject of the complaint is a member of that command.

Does this mean a precinct captain will investigate an officer in his/her/their own precinct?

Aside from the best practices described previously, page 57 of the Police Reform Plan describes “respondent superior”, which means commanding officers are responsible for the actions of their subordinates which can result in personal liability and/or discipline. This would seem to act as a deterrent not only to discipline, but even to investigate a subordinate.

There is no mention of an appeals process; does an appeals process exist? There is no public data to determine if this is actually happening.

There is no data published on either investigation timing, or contact, rendering it impossible to know if this policy is being met consistently; is this available under FOIL?

<sup>26</sup> <https://www.nassaucountyny.gov/DocumentCenter/View/30987/NCPD-Complaint-Report-Finding?bidId=> ; Page 2

<sup>27</sup> <https://www.nassaucountyny.gov/DocumentCenter/View/30987/NCPD-Complaint-Report-Finding?bidId=> ; Page 8

<sup>28</sup> <https://www.nassaucountyny.gov/DocumentCenter/View/30987/NCPD-Complaint-Report-Finding?bidId=> ; Page 6

(AMD1211 Reference and Text)

**Section B.8:**  
complainants [will] be  
contacted within 3 days  
of filing a complaint.<sup>29</sup>

---

**Section B.4: Supervisor**  
will “take a written  
statement from the  
complainant utilizing  
PDCN Form 32B,  
Supporting Deposition”<sup>28</sup>

**Section B.9: if the**  
complainant is present,  
the Supervisor prepares  
PDCN Form 362, Civilian  
Complaint Information  
Card and give it to the  
complainant.<sup>30</sup>

---

## Open Questions & Potential Gaps

There is no data published on either investigation timing, or contact, rendering it impossible to know if this policy is being met consistently; is this available under FOIL?

---

The policy does not address potential for language barriers or the requirement for interpreters or translators in all languages.

<sup>29</sup> <https://www.nassaucountyny.gov/DocumentCenter/View/30987/NCPD-Complaint-Report-Finding?bidId=> ; Page 5-6

<sup>30</sup> <https://www.nassaucountyny.gov/DocumentCenter/View/30987/NCPD-Complaint-Report-Finding?bidId=> ; Page 9

(AMD1211 Reference and Text)

**Section B.10/B.11:**  
describes instructions for  
entering the complaint  
into the Blue Team  
Tracking system, with  
B.11 providing guidance  
accordingly

“Note: Such information  
should include the  
Supervisor’s observations  
of the complainant or any  
other information which  
would be useful to the  
Investigating Supervisor,  
e.g., the complainant’s  
apparent intoxication,  
the presence or absence  
of injuries and the  
reported level of pain and  
the emotional state of  
complainant”.<sup>28</sup>

## **Open Questions & Potential Gaps**

Is the original statement ‘taken’ on form PDCN 32B checked by a higher commanding officer against the information entered into the Blue Team Tracker?

Does the Complainant have access to what is entered into the Blue Team Tracker regarding the integrity of the original complaint, their intoxication level, level of pain, and emotional state (which is a subjective and potentially dangerous evaluation).

If the complaint is being taken in-person, does “taken” mean the complainant writes it down, or dictates it to the officer? If it’s “taken” over the phone, is it read back to the complainant with appropriate language access provided?



In addition to the procedures examined above, it should be noted that the complaint form on the NC Police Department's website asks if the complainant wants to be contacted in response to the complaint. The default is set to 'no.' It is problematic that the website asks that question, because according to ADM 1211, complainants are to be contacted within 3 days. It is not stated as an option or left to the officer's discretion when dealing directly with a complainant. It should not be an option on the website. It is also problematic that the default is set on 'no' for obvious reasons.

Over the course of many years, advocates have received phone calls and correspondence from the public that they were afraid to submit a complaint, that they could not get a complaint form at their precincts, or, if they did, that they never heard back from the police. The public is encouraged to contact NYCLU at Nassau@nyclu.org if they have a story to tell where they were not able to obtain a complaint form at their precinct, were not provided with interpreters in order to obtain a complaint form, were not contacted within 3 days of filing a complaint, or if the investigation was not completed in 30 days. While NYCLU does not have the capacity to assist in remedying the situation, gathering stories may be the only way to conduct oversight of this department.

### Overview of Complaints data from 1 Year Report

#### Bottom Line on Complaint/Investigation Data

Of 491 complaints filed (data range January 2021 through December 2021) 66 were 'Founded.' Thirty two of these were listed as a category labeled "other" with no definition offered. There were zero 'Founded' complaints for the categories of Neglect of Duty, Racial/Ethnic Bias, False Arrest and Excessive Force. The racial breakdown includes complaints by Black residents at 12.7% (the population ratio is 10.6%), Hispanic/Latino residents at 3.7% (population ratio is 18.4%) white residents at 16.4% (population ratio is 55.8%), and 'unknown' at 66.8%.

We encourage readers to examine Appendix (C) to facilitate their own analysis of how this data is presented by the Nassau County Police Department. Our response is below:

- According to the Wall Street Journal article, *Police Rethink Policies as Cities pay Millions to settle Misconduct Claims*, October 22, 2020,<sup>31</sup> Nassau County paid out \$55 million in settlements between 2015 and 2020. While the data shown here is from 2021, it is unlikely there would be no 'Founded' complaints relating to bias, false arrests or excessive force by 2021.
- At the bottom of the 1-year report 'complaints' data page the department issues the following disclaimer "The Nassau County Police Department estimates having at least one million public interactions each year. When comparing the number of complaints to the number of public interactions, complaints account for less than 0.1% of all interactions."<sup>32</sup>
  - The UNODC report indicates that a low number of complaints is not necessarily a true representation of the actual complaints. It recommends making sure officers are duty-bound to accept complaints, authorizing an independent body for oversight of the complaint process and measure the level of confidence the public has in the complaint process."<sup>33</sup>

<sup>31</sup> <https://www.wsj.com/articles/police-rethink-policies-as-cities-pay-millions-to-settle-misconduct-claims-11603368002>

**Review of promised 'Complaint' reforms and Status/Concerns:**

**Reforms**

**Upload videos with  
complaint forms**

**Comply with the  
repeal of 50-A**

**Report data on civilian  
complaints bi-annually  
in writing; and to  
the Nassau County  
Legislature**

**Status/Questions/Concerns**

Currently on the website

The New York Civil Liberties Union submitted a FOIL request in September of 2020, and has not received any records requested, including information on Traffic Stops, Use-of-Force, and Complaints and Investigations. The New York Civil Liberties Union has filed a lawsuit and is *still waiting for records*. (See Transparency section for additional details)

The last report and public hearing was held in January 2022

<sup>32</sup> <https://www.nassaucountyny.gov/DocumentCenter/View/36211/1-Year-Follow-Up-Report-FINAL?bidId=>

<sup>33</sup> [https://www.unodc.org/pdf/criminal\\_justice/Handbook\\_on\\_police\\_Accountability\\_Oversight\\_and\\_Integrity.pdf](https://www.unodc.org/pdf/criminal_justice/Handbook_on_police_Accountability_Oversight_and_Integrity.pdf) ; Page 46

Also Listed as a Reform:

Attorney General's investigative powers New York State Executive Law 75 and 70-B.

**Explanation and Concern:** Section 70-B of New York State Executive Law describes an office of special investigation under the purview of the NYS Attorney General's office. It is authorized to investigate and "...if warranted, prosecute any alleged criminal offense or offenses...concerning any incident in which the death of a person, whether in custody or not, is caused by an act or omission of such police officer or peace officer..."<sup>34</sup> (See appendix E). While advocates are relieved that there is now more oversight concerning police misconduct, this office is limited to investigating deaths only, and *cannot be reasonably considered a Nassau County Police Reform.*

Section 75 of the New York State Executive Law establishes the Law Enforcement Misconduct Investigative Office (LEMIO) under the purview of the New York State Attorney General's office. (See Appendix F) They are empowered to investigate patterns and practices, trends and to "receive and investigate complaints from any source, or upon his or her own initiative, concerning allegations of corruption, fraud, use of excessive force, criminal activity, conflicts of interest or abuse in any covered agency."<sup>35</sup> This means that the office may investigate complaints that it receives. It is not pro-active and does not have the resources available to be pro-active concerning more than 500 law enforcement agencies in New York State. If the Nassau County Police Reform Plan is insinuating that this office serves as an oversight function to its opaque internal investigations, it should share LEMIO's intake information with the public in its police reform plan. *This also cannot reasonably be considered a Nassau County Police Reform.*

Recommendations for Reforms moving forward

In addition to the above recommendations to improve the complaint process, advocates have, and will continue to recommend the following to address oversight and accountability:

- A Civilian Complaint Review Board (CCRB)
- A Police Inspector General's Office to complement the CCRB with subpoena power and oversight over all policies, directives, memos and complaints, with automatic receipt of any complaints filed.
- A Right to Know Act: A card given at all stops providing the officers name, badge number, reason for stop, duration of stop, and outcome of the stop
- Full disclosure of all complaints and investigations per the repeal of 50-A
- Prohibition of Precinct level investigations led by precinct commanders

---

<sup>34</sup> <https://www.nysenate.gov/legislation/laws/EXC/70-B>

<sup>35</sup> <https://www.nysenate.gov/legislation/laws/EXC/75#:~:text=subject%20to%20dismissal%2C%20discipline%20or%20other%20adverse%20personnel%20action.&text=practice%20of%20misconduct%2C%20use%20of,force%2C%20or%20acts%20of%20dishonesty.&text=officer%20or%20employee.&text=to%20any%20recommendation%20for%20such%20action%20contained%20in%20such%20report.> ; Page 2-3, Section 3a

### *Complaints/Investigations/Misconduct*

- Complaint and investigation data broken down by precinct and category of complaint with demographics, and data on number of officers identified by the early intervention system
- Change the default on the complaint intake website to ‘yes’ I would like a response within 3 days

---

# A Deeper Dive into Mental Health and Substance Use Disorder Response

---

## Mental Health and Substance Use Disorder/Communications Bureau and 911

According to the Police Reform Plan under the “Communications Bureau and 911” section, “the NCPD responds to any and all requests for assistance...a request by an elderly individual to be lifted from the floor to the bed will be handled by a member of the NCPD [...] Indeed, there is no assignment that is too big or small for the NCPD.”<sup>36</sup>

While we acknowledge that the spirit in which most officers join the force is usually guided by good intentions and a desire to help, they are not experts or trained in mental health or Substance Use Disorder.

Further, the unfortunate by-product is that the criminal justice system infrastructure, including data collection, surveillance, and consequences are now introduced into all the spaces where police officers respond. The effort to remove the criminal justice system from *non-criminal spaces* is the spirit in which the idea of re-investing in *alternatives and community support* is conveyed by the authors of this report. Nowhere is it more important than in dealing with mental health and Substance Use Disorder.

The Mental Health/Substance Use Disorder and Homelessness section of the Police Reform Plan includes a review of several different areas, describing the existing practices prior to reform. Their report include 1) Mental Health 2) Substance Abuse 3) Hostage Negotiation Team 4) Homelessness. This report will focus on Mental Health and Substance Use Disorder.

### The Need for Reform

Individuals with mental illness, behavioral health problems, and housing insecurity are overrepresented in both the criminal justice system and in deadly encounters with law enforcement. As stated in the People’s Plan, “According to the 2017 Bureau of Justice Statistics Report, 37% of incarcerated people in prisons, and 44% of incarcerated people in jails had been diagnosed with a mental disorder.”<sup>37</sup>

By continuing to mistakenly view these medical and social conditions through a criminal justice lens, we continue to criminalize and re-traumatize the human beings struggling with them. More importantly, we bypass real treatment options, place their fate in the hands of officers who have no training thereby compromising the officers, and expose these human beings to further degradation and suffering.

Research shows that communication between the police and individuals who are intoxicated or experiencing mental illness break-down quickly, and signs of distress can be interpreted by police as hostility. This then leads to escalation by the police and to further trauma and distress by the individual. People experiencing both mental health and substance use disorders are more likely to be perceived as resistant by the police and are more likely to be exposed to the use of force.<sup>38</sup>

*These are medical issues, not criminal justice issues.*

---

<sup>36</sup> <https://www.nassaucountyny.gov/DocumentCenter/View/31611/Draft-with-Exhibits?bidId>; Page 58

<sup>37</sup> <https://www.liunited.org/the-peoples-plan> ; Page 25

<sup>38</sup> <https://www.liunited.org/the-peoples-plan> ; Page 27

To their credit, during the police reform movement in 2020, the Nassau County Police Department and the Nassau County Legislature exhibited a high degree of interest in engaging with advocates on this issue. There were many meetings with local advocates who researched alternative programs from around the country, and spaces were created for Nassau Law Enforcement leaders to engage directly with practitioners of these programs, such as the EMCOT model in Austin, Texas, the STAR program in Denver, Colorado, and CAHOOTS in Eugene, Oregon.

## Overview of Practices Prior to Reform

### *The Mental Health Intake Call and On-Site Police Response*

The Nassau County Police Department *Mental Aided Persons Department Policy OPS 1155* states that “the NCPD is to assist mental aided persons who need assistance and to ensure officers render necessary aid in a humane and sensitive manner to persons who appear to be suffering from mental illness or disability.”<sup>39</sup>

According to the NC Police Reform Plan, prior to Reform, most calls came in through 911 dispatchers, who automatically patched the calls through to the police. The police would then respond, and if they were aware it was a mental health call, they would arrive with an officer, a patrol supervisor and an NCPD ambulance. Upon arrival at the site, they would determine if they needed to contact the Mobile Crisis Outreach Team (MCT). MCTs are composed of professionals who provide on-site intervention and evaluate community members and their families.

*Note that the inclusion of MCT on 911 mental health calls was not automatic, and the officers used their own discretion whether to ask for guidance, or request on-site presence.*

If violent behavior was exhibited and the situation was deemed likely to result in serious harm, personnel from the Emergency Services Unit (ESU) would respond as well. Officers were expected to collect background information including 1) mental and medical history; 2) prescription or illegal drug use; 3) circumstances which led to 911 call; 4) behavior prior to police arrival; and 5) past violent behavior.

Sometimes, families with ongoing issues, knew to bypass the police and call Mobile Crisis directly, but the public at large, who may be calling to report a ‘disturbance’ did not necessarily know an alternative number to call, and would often call 911.

If an individual was determined to be a threat to themselves they would be transported by ambulance to a hospital for medical evaluation. If not, the officers at the scene might reach out to or provide referrals to Mobile Crisis, the National Alliance of Mental Illness, 211 or the National Suicide Prevention Lifeline.

---

<sup>39</sup> <https://www.liunited.org/the-peoples-plan> ; Page 59

### *Transport and Facility Options Prior to Reform*

Of the eleven hospitals across Nassau County, Nassau University Medical Center is the only one that has a separate Psychiatric Emergency Department. The others have behavior crisis centers but only as walk-ins and only 5 days a week, or only operating during limited hours, with little available after 11 p.m. and on weekends. There are community-based organizations that try to make themselves available in high-needs areas including Central Nassau Guidance and Counseling Services and their Mobile Recovery Unit. The Nassau County Mobile Team was budgeted for only two social workers in the 2021 budget, and their availability to the public ended at 11 p.m. Response times had been clocked at up to 3 days. They were also not authorized to transport to psychiatric emergency departments, making police involvement a necessity.

Suffolk County has an infrastructure for on-scene, non-police crisis response. DASH (Diagnostic and Stabilization Hub) and its Mobile Crisis Team, is provided by Family Service League of Long Island and offers 24/7/365 crisis stabilization centers, where social workers help avoid hospitalization, self-harm and harms to others. They meet with people in their homes if necessary and provide interventions and assessments.

### *Substance Use Disorder Response prior to Reform*

As the Police Reform Plan explains, for opioid and other drug abuse-related calls, police officers are first responders in the event of an overdose and they render first aid including NARCAN until the police medic arrives. See the report for details.<sup>40</sup>

However, the police were, and are still engaging in Operation Natalie, which the Police Commissioner has verbally described to advocates in the following way: The addresses of overdose survivors are mapped over the addresses of petty larcenies and the police then visit the home of the survivor, based on proximity to a petty larceny in order to get them into a diversion program relating to rehab. The missing link is the legal criteria and thresholds used to make the logical jump from proximity to a petty larceny to the need for a police visit. Under what pretense do the police gain entry? Are searches conducted? The Commissioner has also shared with advocates that the police visit the homes of those people just returning from rehab. This raises the same questions. It's almost as if they are positioning themselves as social workers. Advocates would ask for more information concerning the link between overdoses and petty larceny sites, what legal threshold is used to establish a link between the two, and what exactly happens at these home visits.

---

<sup>40</sup> <https://www.nassaucountyny.gov/DocumentCenter/View/31611/Draft-with-Exhibits?bidId>; Page 59-60



**Mental Health Reforms and Status/Concerns/Questions**

The Nassau County Police Reforms can be summarized as follows:

- Enhancing mental health training for 911 operators, utilizing a script when a caller appears to be experiencing a mental health crisis
- Behavioral Health Crisis stabilization Centers (no details included in the Police Reform Plan)
- A tiered response based on certain criteria triggering the dispatch of different units
- The Nassau County Mobile Crisis Team will expand staff and hours of operation to 8 a.m. – 12 a.m. seven days a week. They will add an additional five teams to ensure that all non-violent mental aided calls have a team available. After-hours calls will be handled by the Long Island Crisis Center and Mobile Crisis will follow-up.
- Strengthen collaboration with Nassau University Medical Center and all county hospitals, including improving discharge plans and follow-up with the Nassau County Mobile Crisis team.

According to the 1 Year Follow-Up Report, the NCPD responded to over 4,400 aided cases concerning mental health. The NCPD is in the process of implementing policy and procedure on the tiered mental health response which is in the process of being finalized in accordance with an included proposal for a response matrix. The department has hired 12 mobile crisis social workers to make sure there are at least 5 teams of two available to be deployed to calls anywhere in the county. While these are welcome reforms, the One Year Follow-up does not address Stabilization centers, further training for 911 operators including training scripts, or a new “988” system. In addition, accountability would be further enhanced through the provision of data on race, ethnicity, type, and outcomes of the 4,400 calls handled in 2021.



---

# A Deeper Dive into Transparency and Accountability

---

## Transparency and Accountability

The Nassau County Police Department's commitment to transparency and accountability has regressed since the start of the Police Reform movement. They have removed the police reform website which was to hold all promised data. And they have *not provided bi-annual reporting* either in writing or verbally to the Nassau County Legislature since January of 2022.

Transparency is claimed to be a key component of the Nassau County Police Department's (NCPD) Police Reform Plan. According to the Police Reform document itself, addressing broad transparency, it states, "The Department views openness in matters of public interest an issue of importance."<sup>41</sup> It promises that, "The Police Department strives to disseminate accurate and factual accounts of occurrences of public interest, consistent with the protection of legal rights, the safety of persons involved, and with the consideration for maintaining the confidentiality of certain department records"<sup>41</sup> Whether addressing general accountability or specific categories of practice, the NCPD has made little progress in improving transparency, failing to meet even the minimal level of reform as outlined in their plan. A genuine commitment to transparency would have meant not only meeting their commitments but going further to willingly welcome recommendations offered by advocates in the People's Plan. These proposed reforms, which are consistent with best practices, will continue to be an advocacy priority moving forward.

### The Need for Reform

The UNODC's Handbook on police accountability, oversight and integrity, presents a structure for developing, analyzing and implementing an effective police accountability system.<sup>42</sup> As part of this system, the police must, "take responsibility for their decisions and operations, accepting liability when required, and to exhibit full transparency in decisions and openness to external scrutiny."<sup>43</sup> The handbook goes on to say, "Accountable policing means that the police accept being questioned about their decisions and actions, and accept the consequences of being found guilty of misconduct, including sanctions and having to compensate victims."<sup>44</sup> It continues, "On the one hand, effective accountability is unlikely in police systems that lack integrity, where the lack of integrity and ineffective accountability are connected and mutually reinforcing. On the other hand, transparency, openness to scrutiny, integrity and legitimacy are also mutually reinforcing...".<sup>44</sup> The report describes policing agencies that refuse transparency as, "Police that lack integrity will often seek to enlarge their operational independence, without any willingness to respond to the needs of the public or to be accountable in a transparent way. In fact, they desire operational freedom without the Accountability, the UNODC states, "... police forces with high levels of integrity will have fewer difficulties being transparent and accountable."<sup>45</sup>

---

<sup>41</sup> <https://www.nassaucountyny.gov/DocumentCenter/View/31611/Draft-with-Exhibits?bidId>; Page 66

<sup>42</sup> [https://www.unodc.org/pdf/criminal\\_justice/Handbook\\_on\\_police\\_Accountability\\_Oversight\\_and\\_Integrity.pdf](https://www.unodc.org/pdf/criminal_justice/Handbook_on_police_Accountability_Oversight_and_Integrity.pdf) ; Page 5

<sup>43</sup> [https://www.unodc.org/pdf/criminal\\_justice/Handbook\\_on\\_police\\_Accountability\\_Oversight\\_and\\_Integrity.pdf](https://www.unodc.org/pdf/criminal_justice/Handbook_on_police_Accountability_Oversight_and_Integrity.pdf) ; Page 7

<sup>44</sup> [https://www.unodc.org/pdf/criminal\\_justice/Handbook\\_on\\_police\\_Accountability\\_Oversight\\_and\\_Integrity.pdf](https://www.unodc.org/pdf/criminal_justice/Handbook_on_police_Accountability_Oversight_and_Integrity.pdf) ; Page 9-10

<sup>45</sup> [https://www.unodc.org/pdf/criminal\\_justice/Handbook\\_on\\_police\\_Accountability\\_Oversight\\_and\\_Integrity.pdf](https://www.unodc.org/pdf/criminal_justice/Handbook_on_police_Accountability_Oversight_and_Integrity.pdf) ; Page 17

Prior to EO 203 and the subsequent police reforms, the extent of NCPD data reporting (and importantly demographic data reporting) consisted of crime statistics reported on the department's webpage. All other requests had to be made through Freedom of Information Law (FOIL) requests. In fact, in 2014, the New York Civil Liberties Union requested records on Use of Force, Pedestrian and Vehicle Stops, and was told that the department was not able to respond to the data request because it didn't collect or aggregate (combine) all the data digitally. Information that was gathered digitally, was done so across different platforms. In layman's terms, the digital platforms where collection was taking place, were not able to communicate with each other, and so the department was unable to compile and share information. Which also meant it did not have the capacity to evaluate and analyze its own behavior. The resulting report of NYCLU's FOIL request (*Behind the Badge*), which was made to 23 departments across New York State can be found at:

<https://www.nyclu.org/en/campaigns/new-york-police-transparency-database>

Given this baseline, the NCPD may view its promised police reforms relating to transparency as a significant step forward. The police department has promised to release significantly more data including demographics, which would represent a change in transparency from prior practices. However, this section will show that these promised police reforms are still sub-standard relative to the level of transparency required for true accountability and that the data that has been provided is unclear and obfuscates any evaluative value it could have had. The unclear and misleading presentation of this data demonstrates that the NCPD views this transparency as a "check-the-box" obligation, rather than an earnest attempt to enable accountability and transparency.

### Promised Reforms

According to the Police Reform Plan, the following changes were promised:

- The NCPD will issue bi-annual reports, posted on the website and reported out to the Nassau County legislature bi-annually on: Use of Force, Civilian Complaints, Crime Statistics, Arrest Statistics, Summons and Field Stops, and Bias Incidents/Hate Crimes
- Share their in-service training curriculum with representatives from Nassau County Minority Affairs
- "The People's Plan" has requested the NCPD to report in compliance with the NYS STAT Act to disclose the demographics of persons arrested for misdemeanors and violations. The Department agrees to report in conformity with the STAT Act."
- The Legislature can request private sessions with the Police Commissioner to exercise more oversight. To expand public safety oversight and involve the community in policing, Precinct Commanding officers or a designee attends hundreds of community meeting every year, where community specific crime statistics are shared.

---

<sup>45</sup> [https://www.unodc.org/pdf/criminal\\_justice/Handbook\\_on\\_police\\_Accountability\\_Oversight\\_and\\_Integrity.pdf](https://www.unodc.org/pdf/criminal_justice/Handbook_on_police_Accountability_Oversight_and_Integrity.pdf) ; Page 17

## Status of Reforms

The reform plan begins by stating, “In recognition of fostering trust and fairness through police reform, as mentioned in prior sections, and summarized below, NCPD will be publicizing data and issuing reports to be posted on the Department’s website.”<sup>47</sup> As was described previously in this report,

*the website has been down since at least July of 2022.*

This section will review the status of reforms promised in the NCPD’s Plan as outlined above. It will also explore and expand on existing practices and issues not mentioned in the Plan. Because the idea of transparency permeates every section of this report, some material may seem repetitive. However, they are revisited here specifically through the lens of accountability.

### Data Collection and Reporting

The Police Reform Plan includes a commitment by the NCPD to expand data collection and reporting in several categories: Use of Force, Civilian Complaints, Crime statistics, Arrest statistics, Summons and Field Stop data, and Bias Incidents and Hate Crimes. Unfortunately, as evidenced in the Bias and Data reporting section of this report, the NCPD has either demonstrated outright malfeasance or troubling incompetence by reporting incomplete or patently inaccurate data. Additionally, despite its promise to report bi-annually to the public and to the Public Safety Committee of the Nassau County Legislature, the NCPD has so far only reported to the committee once, in January 2022.

The data collected and released by the NCPD is deeply flawed across reported categories in that it includes Nassau County residents and non-residents without differentiation. The NCPD’s failure to follow up with updated data after pointing out their own flaws follows a pattern of transparency issues and an unwillingness to comply with the spirit of the Police Reform Plan’s goals.

### Sharing in-service Training Information with NC Minority Affairs

The Police Reform Plan promises to, and in fact has, shared its in-service training materials with the NC Minority Affairs office. While this is good practice, we are not convinced that sharing information with an *internal* government department qualifies as a police reform aiming for transparency and accountability.

### Data Accessibility and the STAT Act

While the material collection of policing data is crucial for transparency, its dissemination and accessibility are equally important. While the NCPD has listed its promise to comply with the New York State STAT Act (Police Statistics and Transparency Act) as a Police Reform, we would not classify a *mandate to follow the law* as a “Reform.”

Further, the Department has not made those statistics easily accessible to the public. While it has complied with the STAT Act, which requires law enforcement to collect and publicly report data on a wide range of categories that include racial demographics, it has not shared that data in a way that Nassau County residents will know how to access it. According to this legislation, this data is published on the public websites of the Division of Criminal Justice Services (DCJS) and the Office of Court Administration (OCA). Only residents with high-level research skills or industry knowledge would know to visit those websites. A purported goal of EO 203 and the ensuing Police Reform Plan was to improve transparency of law enforcement for the communities they serve. However, the NCPD’s willingness to comply with a statewide mandate without sharing that same information in an accessible format for Nassau County residents raises questions about the department’s actual desire to be transparent.

Additionally, The People’s Plan and police reform advocates did not merely request compliance with the STAT Act. They requested that the Reform Plan include adoption of a locally legislated STAT Act, mirroring and adding to the categories already existing in the State law so Nassau County residents could be better equipped to obtain the data. Advocates have also requested that the Nassau County data that lives on the OCA website be posted on the Nassau County website. Both the public safety committee of the Legislature and the Police Commissioner verbally agreed to this, and have so far, not complied.

### Nassau County Police Reform Webpage; Removed

Upon the release of the Police Reform Plan, NCPD launched a website to share information about its police reform efforts. This website was an important step in bolstering the transparency of the department, as it provided an opportunity for the NCPD to post goals and progress. It also would have been a logical platform for sharing demographic data provided in compliance with the STAT Act. However, following the publication of the NCPD’s 1 Year Follow-Up Report, and advocates publicizing the flawed data, this website was taken down by the NCPD. The reasoning for the website removal is unclear. Local advocates have reached out to the NCPD to inquire about the relaunch of the website without a definitive response. It is currently unknown whether the NCPD intends to communicate its reform goals, indicating the Police Reform Plan has further failed to yield significantly improved transparency. (See appendix G).

## Other Critical Transparency Gaps

As previously discussed, EO 203 should only be understood as a modest starting point for police reform in New York State. It is neither comprehensive in scope nor functionally designed to provide oversight and enforcement of even the most modest of reforms. Predictably, the NCPD has failed to uphold its own commitments within the scope of the Police Reform Plan concerning the issues raised in this report and continues to claim dedication to reform, while simultaneously obfuscating.

### *Resistance to FOIL Requests and Accountability Ratings*

Compounding an already existing accountability problem, NCPD continues to resist complaint and investigative transparency, while simultaneously claiming to embrace reform. In October 2021, the New York Civil Liberties Union (NYCLU) filed a lawsuit against NCPD for unlawfully denying the NYCLU's requests for complete records related to police misconduct pursuant to the Freedom of Information Law (FOIL). In June of 2020, after the repeal of Section 50-A of New York State's Civil Rights Law, a statute that had been used to bar disclosure of police misconduct records, the NYCLU submitted its FOIL request to the NCPD for police misconduct records and other records, including those pertaining to Use of Force reports and policies, and pedestrian and Vehicle stops. Importantly, the NYCLU's Foil request sought records related to all police misconduct complaints, including those that lead, and did not lead to disciplinary action since January 1, 2000. The NCPD had denied all requests for police misconduct complaints prior to June 2020 as well as records of complaints that did not result in discipline after that date until ordered by court to comply. NYCLU is still waiting for records. In short, NCPD has resisted most requests unless ordered by a court. The Nassau County Police Department's unwillingness to follow the law as it related to transparency indicates we must go beyond the confines of EO 203 to mandate new standards and enforcement mechanisms to hold police departments accountable.

### *Public "Know Your Rights" Brochure*

The brochure issued and distributed by the police on how to respond when you're stopped by the police does not share important rights regarding stops. It merely advises people to stay calm and comply never really addressing what to do if the stop gets extended, or if they might be asked to step out of their cars, or searched. (See appendix B). Citizens have rights under these circumstances, and they should know what they are. For example, they have a right to say "I do not consent to this search." They can also ask, "Am I free to go." The knowledge and use of these words is indicative of people who know their rights and puts the police officers on notice of this awareness.

### Officer Identification at Stops

During the police reform movement, advocates requested that officers be required to provide a card containing the name and badge number of the officers, along with the reason for the stop, time of the stop, duration, and outcome at the time of the stop. Instead of adopting that reform, the NCPD used the police reform plan to remind people that they can ask for information. This shows a stunning and willful ignorance as to the power dynamic inherent in a police stop and places the onus on the public to get the information instead of on the department to provide it. If the NCPD is as concerned as they say about transparency, they can provide this information as described under the Right to Know Act in the People's Plan.

*Vera Institute: Transparency Report: <https://policetransparency.vera.org/>*

The Nassau County Police Department has systematically prevented advocates and community members from using comprehensive data to paint a full picture of its performance. This fact is further bolstered by the Vera Institute of Justice's (Vera) most recent Police Data Transparency Index. Covering 94 cities and counties where 25 percent of the U.S. population lives, the Police Data Transparency Index assigns each location a score out of 100 measuring its level of data transparency.

Nassau County scored a 12 out of 100 possible points on Vera's Police Data Transparency Index the third worst out of 94. Vera noted there were many reasons for such a dismal performance. Nassau County Police Department provides information on policies but does not make available any data on Use-of-Force, officer involved shootings, arrests, calls for service and 911, crime and crime mapping, traffic and pedestrian stops, complaints, or training.

### Recommendations to improve Transparency and Accountability as outlined in the People's Plan

- A Civilian Complaint Review Board with subpoena power
- An Inspector General's office, with subpoena power, to complement the oversight of a CCRB. This would create a parallel investigation and oversight track, which would 1) receive every complaint and monitor investigations 2) monitor and provide input on policy, directives, and training 3) report to the public
- The Right to Know Act: Officers would be required to provide a card to civilians at every stop which would include 1) name of officer 2) badge number 3) date 4) time of stop 5) duration of stop 6) reason for stop 7) disposition of stop (outcome) 8) if there was a search and if it was consented to
- An independent data analysis body to review police data collection, analysis and reporting
- Re-write and re-issue of the Police "What to Do When You are Stopped by the Police" including people rights as described above, in all language access mandated languages



*Recommendations Continued*

- A legislatively mandated website for all data reporting
- A local STAT Act which would require demographic collection and reporting on 1) pedestrian and vehicle stops 2) arrests and outcomes of low level offenses 3) Use-of-Force (all categories) 4) pedestrian and vehicle searches and outcomes
- Post existing Nassau OCA data on Police Reform website if local STAT Act is not passed
- Internal Affairs investigations: No investigations at the precinct level and demographic data reporting for all outcome categories and charge categories
- Data tracking and public reporting on FOIL requests, FOIL responses, including response time
- Legislatively mandated written reporting and public hearings bi-annually held by the Public Safety Committee of the Legislature including the appearance and reporting by the Police Commissioner with Public comment after the Police Commissioner reports



---

# Conclusion

---

This report has illustrated that EO 203 was never meant to be a serious reform measure. It was narrowly focused exclusively on Law Enforcement Agencies (LEA) , when in fact, LEA's powers and responsibilities are inextricably tied to court decisions, state and local legislation, District Attorney's offices, and Police Union agreements. Everyone responsible for creating these Reform Plans were aware of these issues, and the process which took place in Nassau County was infected by them. The Executive Order never reflected any intention to read, let alone evaluate the plans.

Despite this, advocates and the Nassau County Government spent countless hours and money attempting to meet some threshold of reform. The Nassau County Police Reform plan is not based on data-based evidence and it does not reflect any qualitative analysis of baseline practices from which to evaluate the need for reform. As a result, it reads like a descriptive, anecdotal, qualitative attempt to meet the bare minimum needed to file a report with the state.

We can conclude:

- NCPD's data collection and reporting practices are unscientific, unprofessional and an egregiously misleading disservice to the people of Nassau County. Even with all of that, the Nassau County Police Department shows continued systemic bias in their policing.
- Regarding complaints and investigations, there are no real reforms on the table. The department still insists on investigating themselves and will not accept any oversight. We have pointed out the areas for concern and questions given these limitations, but until there is an outside investigative power, and until the police department improves its transparency, there will be no accountability for misconduct, or, if there is, it won't be visible to the public. Either way is unacceptable.
- We are hopeful that some changes are in the works for Mental Health Response, as the department has worked to address this area more than others. If they won't meet with advocates, issue reports, or answer to the legislature, the public won't know if adequate progress has been made.
- It seems that the police commissioner thinks that the police belong in every social and medical sphere of our lives. They don't. Their presence introduces the criminal justice system where it doesn't belong and it allows them to collect data, and create relationships which gives them access to human intelligence. This is by design and intentional...it is the underbelly of the catch-all phrase "community policing."
- The Nassau County Police Department is one of the least transparent and therefore least accountable police departments in the country. Integrity and Legitimacy in policing are inextricably bound to transparency and accountability. The Nassau County Police Department has 1) intentionally muddled the waters on data analysis 2) routinely fails to respond to FOIL requests 3) rejects any outside attempt to conduct oversight 4) has removed its police reform website 5) capitalizes on the public's ignorance of data laws to claim transparency (see STAT Act promises) 6) Has earned a 12 out of 100 on a Vera Institute transparency report.

## Final Thoughts, Requests & Recommendations

As has been outlined, EO 203 was toothless and narrow, and capitalized on the public's lack of knowledge regarding the entanglements of laws, court decisions, unions, budgets, and government jurisdictions—all of which were going to prevent meaningful police reform before it ever got started. The Executive Order never promised even a reading of the reform plans, merely a submission of them. This public relations stunt displayed a stunning contempt for the public, specifically communities of color. The Nassau County government took this cue and conducted its own charade.

### Oversight and Investigation

The unscientific, amateurish, and secretive nature of Nassau County's data reporting is egregious and insidious, considering the power that a law enforcement agency holds over its citizens. The data reporting and the level of racial bias in Nassau County's policing practices should be investigated, whether that be by the New York State Attorney General's Office or the United States Department of Justice, with an accompanying consent decree if appropriate.

The lack of Language Access, as outlined in the NYIC's and LILAC's report should be investigated, and enforcement mechanisms established.

Legislation to mandate local civilian oversight must be considered and/or local (appropriately budgeted) Inspector General's offices established with enforcement mechanisms, data review and reporting, and the ability to subpoena documents and personnel.

Legislation must be passed to strengthen the repeal of 50-A in a meaningful way. The repeal was a good start, but it left loopholes which are now being played out in court.

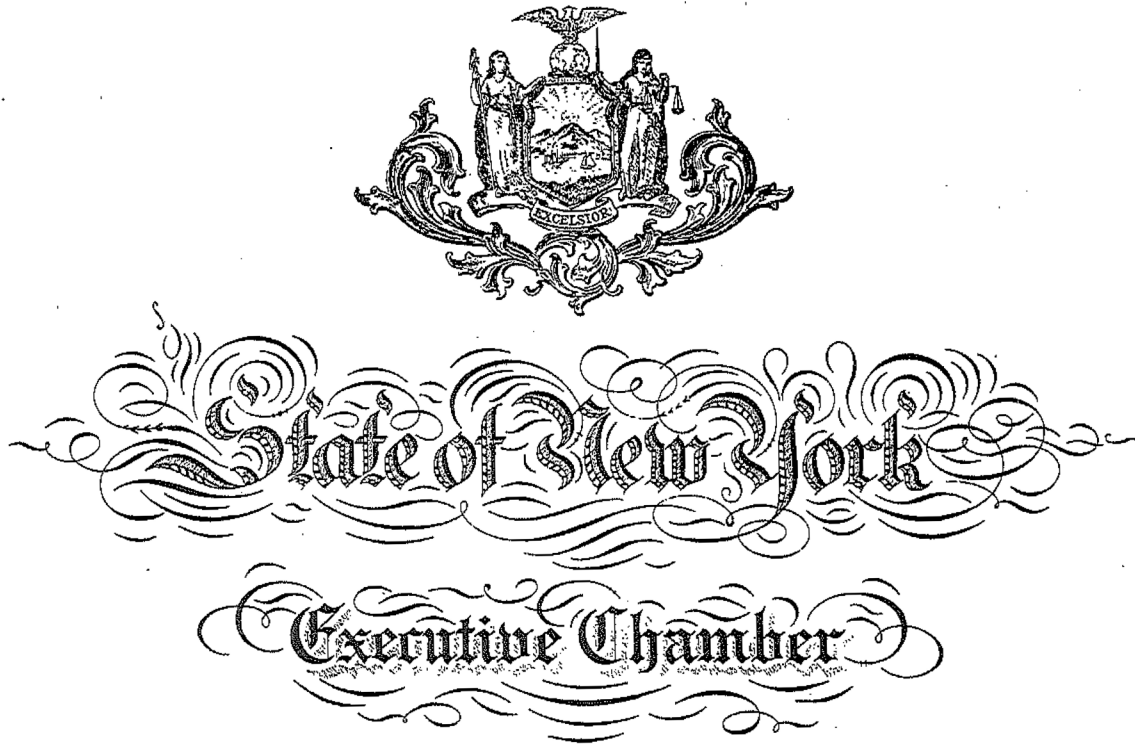
Police Departments must be required to report all stops to the state, in accordance with the Right to Know Act and provide cards at all stops.

Finally, the public has a right to know how Nassau County Police Department measures productivity. The criteria used to determine an officer's pay or promotion, will determine the culture and tactics of the police department.

The above calls for action are not sufficient to resolve the full scope of what is needed to bring real oversight and accountability to the NCPD. But these are a necessary starting point and are themselves more substantive than anything contained in the Nassau County Police Reform plan.

# Appendix

Appendix A .....	Executive Order #203	46-48
Appendix B .....	“What to do When Stopped by the Police”	49-50
Appendix C .....	1 Year Police Reform Report: Data Charts	51-57
Appendix D .....	Administrative Policy 1211	58-66
Appendix E .....	Attorney General’s Office: Section 70-B	67
Appendix F .....	Attorney General’s Office: Section 75	68-70
Appendix G .....	Police Reform Website Removed	71



No. 203

EXECUTIVE ORDER

**NEW YORK STATE POLICE REFORM AND REINVENTION COLLABORATIVE**

**WHEREAS**, the Constitution of the State of New York obliges the Governor to take care that the laws of New York are faithfully executed; and

**WHEREAS**, I have solemnly sworn, pursuant to Article 13, Section 1 of the Constitution, to support the Constitution and faithfully discharge the duties of the Office of Governor; and

**WHEREAS**, beginning on May 25, 2020, following the police-involved death of George Floyd in Minnesota, protests have taken place daily throughout the nation and in communities across New York State in response to police-involved deaths and racially-biased law enforcement to demand change, action, and accountability; and

**WHEREAS**, there is a long and painful history in New York State of discrimination and mistreatment of black and African-American citizens dating back to the arrival of the first enslaved Africans in America; and

**WHEREAS**, this recent history includes a number of incidents involving the police that have resulted in the deaths of unarmed civilians, predominantly black and African-American men, that have undermined the public's confidence and trust in our system of law enforcement and criminal justice, and such condition is ongoing and urgently needs to be rectified; and

**WHEREAS**, these deaths in New York State include those of Anthony Baez, Amadou Diallo, Ousmane Zango, Sean Bell, Ramarley Graham, Patrick Dorismond, Akai Gurley, and Eric Garner, amongst others, and, in other states, include Oscar Grant, Trayvon Martin, Michael Brown, Tamir Rice, Laquan McDonald, Walter Scott, Freddie Gray, Philando Castile, Antwon Rose Jr., Ahmaud Arbery, Breonna Taylor, and George Floyd, amongst others,



**WHEREAS**, these needless deaths have led me to sign into law the Say Their Name Agenda which reforms aspects of policing in New York State; and

**WHEREAS**, government has a responsibility to ensure that all of its citizens are treated equally, fairly, and justly before the law; and

**WHEREAS**, recent outpouring of protests and demonstrations which have been manifested in every area of the state have illustrated the depth and breadth of the concern; and

**WHEREAS**, black lives matter; and

**WHEREAS**, the foregoing compels me to conclude that urgent and immediate action is needed to eliminate racial inequities in policing, to modify and modernize policing strategies, policies, procedures, and practices, and to develop practices to better address the particular needs of communities of color to promote public safety, improve community engagement, and foster trust; and

**WHEREAS**, the Division of the Budget is empowered to determine the appropriate use of funds in furtherance of the state laws and New York State Constitution; and

**WHEREAS**, in coordination with the resources of the Division of Criminal Justice Services, the Division of the Budget can increase the effectiveness of the criminal justice system by ensuring that the local police agencies within the state have been actively engaged with stakeholders in the local community and have locally-approved plans for the strategies, policies and procedures of local police agencies; and

**NOW, THEREFORE**, I, Andrew M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the Laws of the State of New York, in particular Article IV, section one, I do hereby order and direct as follows:

The director of the Division of the Budget, in consultation with the Division of Criminal Justice Services, shall promulgate guidance to be sent to all local governments directing that:

Each local government entity which has a police agency operating with police officers as defined under 1.20 of the criminal procedure law must perform a comprehensive review of current police force deployments, strategies, policies, procedures, and practices, and develop a plan to improve such deployments, strategies, policies, procedures, and practices, for the purposes of addressing the particular needs of the communities served by such police agency and promote community engagement to foster trust, fairness, and legitimacy, and to address any racial bias and disproportionate policing of communities of color.

Each chief executive of such local government shall convene the head of the local police agency, and stakeholders in the community to develop such plan, which shall consider evidence-based policing strategies, including but not limited to, use of force policies, procedural justice; any studies addressing systemic racial bias or racial justice in policing; implicit bias awareness training; de-escalation training and practices; law enforcement assisted diversion programs; restorative justice practices; community-based outreach and conflict resolution; problem-oriented policing; hot spots policing; focused deterrence; crime prevention through environmental design; violence prevention and reduction interventions; model policies and guidelines promulgated by the New York State Municipal Police Training Council; and standards promulgated by the New York State Law Enforcement Accreditation Program.

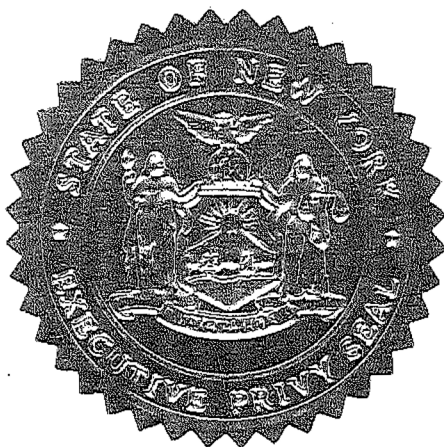
The political subdivision, in coordination with its police agency, must consult with stakeholders, including but not limited to membership and leadership of the local police force; members of the community, with emphasis in areas with high numbers of police and community interactions; interested non-profit and faith-based community groups; the local office of the district attorney; the local public defender; and local elected officials, and create a plan to adopt and implement the recommendations resulting from its review and consultation, including any modifications, modernizations, and innovations to its policing deployments, strategies, policies, procedures, and practices, tailored to the specific needs of the community and general promotion of improved police agency and community relationships based on trust, fairness, accountability, and transparency, and which seek to reduce any racial disparities in policing.

Such plan shall be offered for public comment to all citizens in the locality, and after consideration of such comments, shall be presented to the local legislative body in such political subdivision, which shall ratify or adopt such plan by local law or resolution, as appropriate, no later than April 1, 2021; and

Such local government shall transmit a certification to the Director of the Division of the Budget to affirm that such process has been complied with and such local law or resolution has been adopted; and

The Director of the Division of the Budget shall be authorized to condition receipt of future appropriated state or federal funds upon filing of such certification for which such local government would otherwise be eligible; and

The Director is authorized to seek the support and assistance of any state agency in order to effectuate these purposes.



G I V E N under my hand and the Privy Seal of the  
State in the City of Albany this  
twelfth day of June in the year two  
thousand twenty.

BY THE GOVERNOR

Secretary to the Governor

**Each situation is unique and the police officer must adjust his/her response to fit the circumstances.**

### **GENERALLY, A POLICE OFFICER:**

- Will provide his or her name and badge number upon request.
- A police officer who is not in uniform will present proper identification; you may request to examine their credentials so that you are satisfied they are a law enforcement officer.
- Will inform a person of the reason for being stopped.
- Will only use the force necessary to effect the arrest of a suspect and to maintain the custody of the prisoner.
- Will not search the body of a person of the opposite sex except to prevent injury to the officer or another person, or to prevent the disposal or destruction of evidence.
- Will only arrest a person for an offense committed in the officer's presence, or when the officer has probable cause to believe the person has already committed the crime.

### **QUESTIONS/COMPLAINTS/COMPLIMENTS - YOU MAY REMAIN ANONYMOUS.**

If you have a question about procedures or a complaint about your treatment, contact the Department and ask to speak with a supervisor, call our Office of Internal Affairs or send an email to [Complaint@pdcn.org](mailto:Complaint@pdcn.org). You may also send a letter or an email of compliment if you feel the officer was particularly helpful in your situation to [Compliment@pdcn.org](mailto:Compliment@pdcn.org).

[www.pdcn.org](http://www.pdcn.org)

**Police Headquarters**  
1490 Franklin Ave., Mineola  
516-573-8800

**Office of Internal Affairs**  
516-573-7120

**Nassau County District Attorney's Criminal Complaint Unit**  
516-571-3505

**Nassau County Human Rights Commission**  
516-571-3662

**NYS Attorney General Nassau County Regional Office**  
516-248-3300

### **Precincts**

**1<sup>st</sup> Precinct**  
900 Merrick Rd., Baldwin  
516-573-6100

**2<sup>nd</sup> Precinct**  
7700 Jericho Tpke., Woodbury  
516-573-6200

**3<sup>rd</sup> Precinct**  
214 Hillside Ave., Williston Park  
516-573-6300

**4<sup>th</sup> Precinct**  
1699 Broadway, Hewlett  
516-573-6400

**5<sup>th</sup> Precinct**  
1655 Dutch Broadway, Elmont  
516-573-6500

**6<sup>th</sup> Precinct**  
100 Community Dr., Manhasset  
516-573-6600

**7<sup>th</sup> Precinct**  
3636 Merrick Rd., Seaford  
516-573-6700

**8<sup>th</sup> Precinct**  
299 Hicksville Rd., Bethpage  
516-573-6800



## **WHAT TO DO WHEN STOPPED BY THE POLICE**

**Laura Curran**  
County Executive

**Patrick J. Ryder**  
Police Commissioner



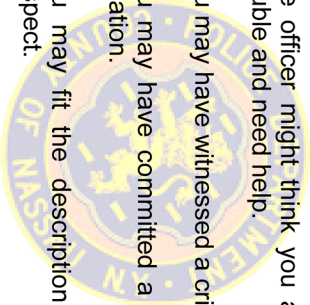
[www.pdcn.org](http://www.pdcn.org)



# WHY DO POLICE STOP PEOPLE?

There are many different reasons why you might be stopped by the police. Whatever the reason, the officer needs your cooperation.

- The officer might think you are in trouble and need help.
- You may have witnessed a crime.
- You may have committed a traffic violation.
- You may fit the description of a suspect.



If you are stopped by the police while driving, you may feel anxious, confused, or even angry. These are natural feelings, but remember, traffic stops can also be stressful and dangerous for the police officer. Each year, a number of law enforcement officers are killed or seriously injured while making a "routine" traffic stop.

**COOPERATION, COMPLIANCE, and remaining CALM will ensure your safety and the safety of officers.**

## REMEMBER:

UPON OFFICER'S REQUEST, MOTORISTS ARE REQUIRED TO PRODUCE THEIR DRIVER'S LICENSE, PROOF OF VEHICLE REGISTRATION AND INSURANCE IDENTIFICATION CARD.



NYS Vehicle & Traffic Law requires that all drivers shall yield the right of way to emergency vehicles. Drivers are to immediately pull over parallel to the right-hand edge, stop and remain in a stopped position until the emergency vehicle has passed.

# WHEN STOPPED BY THE POLICE, REMEMBER:

1. A police officer may pull you over at any time for a traffic offense or police investigation.
2. When you see the red overhead lights and/or hear the siren, remain calm and safely pull over to the right side of the road.
3. Remain in your vehicle unless the officer advises otherwise. Officers have the authority to require you to exit your vehicle for safety purposes.
4. Keep your hands on the steering wheel so the officer can see them. Hands that are hidden can indicate danger to an officer.
5. Avoid any sudden movements, especially toward the floorboard, rear seat or passenger side of the vehicle. Those actions can be interpreted as reaching for weapons.
6. Do not immediately reach for your license or other documents until the officer requests them. NYS Law requires drivers to show their license, registration, and insurance card upon request.
7. If your documents are out of reach, tell the officer where they are before you reach for them.
8. If the stop occurs during darkness, put on your interior lights so the officer can easily see that all is in order with no hidden threats.
9. If there are passengers in your vehicle, encourage them to remain quiet and cooperate with instructions. You, as the operator, are solely responsible for your vehicle and its occupants.
10. Many departments use one-officer patrol cars, especially in the suburbs. Do not be alarmed if you see more than one marked unit for a traffic stop. This is for the safety of the police officers.
11. If the officer issues you a ticket for a traffic violation, avoid becoming argumentative.
12. Finally, if you receive a ticket, take receipt of it calmly. Accepting it is not an admission of guilt. You will have an opportunity to address the matter in court.

## REMEMBER:

**IT'S IMPORTANT TO COOPERATE WITH OFFICERS AND REMAIN CALM DURING ANY INTERACTION WITH THE POLICE.**



# NASSAU COUNTY POLICE DEPARTMENT ARREST DATA SUPPLEMENTAL



Data Date Range: January 2021 Through December 2021

Arrest Demographics	Male	Female	Unknown/ Other	Total	% of Total
American Indian/Alaskan Native	26	4	0	30	0.3%
Asian/Pacific Islander	471	134	0	605	5.9%
Black	2,812	844	0	3,656	35.6%
Hispanic/ Latino	2,054	523	0	2,577	25.1%
Other	0	1	0	1	0.0%
Unknown	0	3	0	3	0.0%
White	2,529	871	0	3,400	33.1%
<b>Total</b>	<b>7,892</b>	<b>2,380</b>	<b>0</b>	<b>10,272</b>	<b>100.0%</b>

Nassau County Demographics	% of Population
White	55.8%
Hispanic/ Latino	18.4%
Black/ African American	10.6%
Asian/Pacific Islander	11.7%
Other	3.5%
<b>Total</b>	<b>100.0%</b>

\*Demographic information is based off of 2020

Census data

The "Other" Category includes people who can be identified as 2 or more Races. Some examples of this include, but are not limited to, people who are both white and black, black and hispanic, etc.

Top 10 Communities with the Most Arrests Compared to CFS Breakdown	# of Arrests	% of Arrests	# of Calls
East Garden City	719	14.6%	5,220
Westbury	723	14.7%	10,955
Elmont	608	12.3%	13,797
East Meadow	457	9.3%	11,668
Valley Stream	488	9.9%	15,351
Uniondale	460	9.3%	10,316
Hicksville	385	7.8%	13,585
Bethpage	407	8.2%	7,530
Baldwin	385	7.8%	11,156
Levittown	303	6.1%	9,952
<b>Total</b>	<b>4,935</b>	<b>48.0%</b>	<b>109,530</b>

When breaking down the number of arrests, Nassau County **Residents** make up **64.4%** of all arrests, while **Non Residents** make up **35.6%** Nassau County Police Department estimates having at least one million public interactions each year. When comparing the number of arrests to the number of public interactions, arrests account for less than **1.1%** of all interactions.

Last Updated: 1/27/2022

NASSAU COUNTY POLICE DEPARTMENT



# NASSAU COUNTY POLICE DEPARTMENT ARREST DATA SUPPLEMENTAL



Data Date Range: January 2021 Through December 2021

Top 10 Crimes	Total	7 Major Crimes	American Indian/Alaskan Native	Asian/Pacific Islander	Black	Hispanic/Latino	Other	Unknown	White
PEN 220 - Controlled Substances	1,774	0	5	42	500	354	0	0	873
PEN 155 - Larceny	1,411	376	7	122	547	338	0	0	397
PEN 170 - Forgery & Related	1,272	0	4	88	642	407	0	0	131
PEN 120 - Assault & Related	911	305	5	65	285	220	0	0	336
PEN 145 - Criminal Mischief	779	0	1	62	251	190	0	0	275
PEN 215 - Judicial Proceedings	689	0	4	35	173	138	0	0	339
Warrant	447	0	0	17	226	82	0	2	120
PEN 265 - Firearms & Weapons	446	0	2	12	198	98	0	0	136
VTL 1192 - DWI Related Offenses	348	0	0	26	46	138	0	0	138
PEN 140 - Burglary & Related	284	202	0	7	98	79	0	0	100
Total	8,361	883	28	476	2,966	2,044	0	2	2,845
Percentage	81.4%	10.6%	0.3%	5.7%	35.5%	24.4%	0.0%	0.0%	34.0%

7 Major Crimes	Total	American Indian/Alaskan Native	Asian/Pacific Islander	Black	Hispanic/Latino	Other	Unknown	White
Grand Larceny	372	3	21	159	90	0	0	99
Felony Assault	305	1	18	109	82	0	0	95
Robbery	206	0	11	93	54	0	0	48
Burglary	202	0	4	72	54	0	0	72
Rape	25	0	1	4	17	1	0	2
Murder & Non-Negl. Manslaughter	23	0	0	11	6	0	0	6
Grand Larceny of Motor Vehicle	4	0	1	1	2	0	0	0
Total	1,137	4	56	449	305	1	0	322
Percentage	11.1%	0.4%	4.9%	39.5%	26.8%	0.1%	0.0%	28.3%

Nassau County Police Department estimates having at least one million public interactions each year. When comparing the number of arrests to the number of public interactions, arrests account for less than 1.1% of all interactions.

Last Updated: 1/27/2022

NASSAU COUNTY POLICE DEPARTMENT



# NASSAU COUNTY POLICE DEPARTMENT USE OF FORCE DATA



Data Date Range: January 2021 Through December 2021

Use of Force - By Force Type	Male	Female	Total	% of Total	Physical Force	ECD Displayed	ECD Used	OC Spray	Baton	Canine	Weapon Displayed	Multiple
Asian/Pacific Islander	0	0	0	0.0%	0	0	0	0	0	0	0	0
Black	155	34	189	43.0%	115	0	17	1	0	7	22	27
Hispanic/ Latino	79	13	92	20.9%	62	0	2	0	0	1	12	15
Other	11	1	12	2.7%	9	0	0	0	0	1	1	1
Unknown	0	0	0	0.0%	0	0	0	0	0	0	0	0
White	119	28	147	33.4%	101	0	7	0	1	5	13	20
<b>Total</b>	<b>364</b>	<b>76</b>	<b>440</b>	<b>100.0%</b>	<b>287</b>	<b>0</b>	<b>26</b>	<b>1</b>	<b>1</b>	<b>14</b>	<b>48</b>	<b>63</b>

Use of Force - By Circumstance	Male	Female	Total	% of Total	Arrest	Family Disturbance	VTL Stop	DWI	Business Dispute	Assault on Citizen	Other	Multiple
Asian/Pacific Islander	0	0	0	0.0%	0	0	0	0	0	0	0	0
Black	155	34	189	43.0%	45	11	22	1	2	1	62	43
Hispanic/ Latino	79	13	92	20.9%	27	13	4	1	0	2	31	12
Other	11	1	12	2.7%	3	0	0	0	1	3	5	0
Unknown	0	0	0	0.0%	0	0	0	0	0	0	0	0
White	119	28	147	33.4%	24	18	16	0	1	3	64	21
<b>Total</b>	<b>364</b>	<b>76</b>	<b>440</b>	<b>100.0%</b>	<b>99</b>	<b>42</b>	<b>42</b>	<b>2</b>	<b>4</b>	<b>9</b>	<b>162</b>	<b>76</b>

\*Demographic information is based off of 2020 Census data

The "Other" Category includes people who can be identified as 2 or more Races. Some examples of this include, but are not limited to, people who are both white and black, black and hispanic, etc.

Nassau County Police Department estimates having at least one million public interactions each year. When comparing the number of uses of force to the number of public interactions, uses of force account for less than 0.1% of all interactions.

Last Updated: 1/27/2022

NASSAU COUNTY POLICE DEPARTMENT





# NASSAU COUNTY POLICE DEPARTMENT FIELD INTERVIEW DATA



Data Date Range: January 2021 Through December 2021

Number of People Field Interviewed	Male	Female	Unknown/Other	Individual FI's	% of Total	Patted Down	Patted Down %	Not Patted Down	Not Patted Down %
American Indian/Alaskan Native	8	3	0	11	0.4%	1	0.1%	10	0.4%
Asian/Pacific Islander	122	18	0	140	4.6%	24	3.0%	116	5.2%
Black	839	116	2	957	31.6%	315	39.1%	642	28.9%
Hispanic/ Latino	654	86	0	740	24.4%	204	25.3%	536	24.1%
Other	20	4	0	24	0.8%	5	0.6%	19	0.9%
Unknown	10	4	15	29	1.0%	2	0.2%	27	1.2%
White	909	217	1	1,127	37.2%	254	31.6%	873	39.3%
<b>Total</b>	<b>2,562</b>	<b>448</b>	<b>18</b>	<b>3,028</b>	<b>100.0%</b>	<b>805</b>	<b>100.0%</b>	<b>2,223</b>	<b>100.0%</b>

Top 10 Communities with the Most FIs Compared to CFS Breakdown	# of FI's	% of FI's	# of Calls
Westbury	212	16.1%	10,955
New Cassel	155	11.8%	4,887
Farmingdale	154	11.7%	4,277
Baldwin	139	10.6%	11,156
Valley Stream	118	9.0%	15,351
East Meadow	117	8.9%	11,668
Hicksville	114	8.7%	13,585
Elmont	107	8.1%	13,797
Levittown	105	8.0%	9,952
Uniondale	95	7.2%	10,316
<b>Total</b>	<b>1,316</b>	<b>43.5%</b>	<b>105,944</b>

Nassau County Demographics	% of Population
White	55.8%
Hispanic/ Latino	18.4%
Black/ African American	10.6%
Asian/Pacific Islander	11.7%
Other	3.5%
<b>Total</b>	<b>100.0%</b>

\*Demographic information is based off of 2020

Census data

The "Other" Category includes people who can be identified as 2 or more Races. Some examples of this include, but are not limited to, people who are both white and black, black and hispanic, etc.

When breaking down the number of Field Interviews, Nassau County Residents make up 63.5% of all Field Interviews, while Non Residents make up 36.5%

Nassau County Police Department estimates having at least one million public interactions each year. When comparing the number of field interviews to the number of public interactions, field interviews account for less than 0.4% of all interactions.

Last Updated: 1/27/2022

NASSAU COUNTY POLICE DEPARTMENT



# NASSAU COUNTY POLICE DEPARTMENT FIELD INTERVIEW DATA



Data Date Range: January 2021 Through December 2021

Field Interviewed Patdowns vs Not Patdowns	12:00 AM - 2:59 AM	3:00 AM - 5:59 AM	6:00 AM - 8:59 AM	9:00 AM - 11:59 AM	12:00 PM - 2:59 PM	3:00 PM - 5:59 PM	6:00 PM - 8:59 PM	9:00 PM - 11:59 PM	Individual FI's	% of Total
Patted Down	158	53	16	33	33	76	155	281	805	26.6%
Not Patted Down	491	124	69	130	137	250	339	683	2,223	73.4%
<b>Total</b>	<b>649</b>	<b>177</b>	<b>85</b>	<b>163</b>	<b>170</b>	<b>326</b>	<b>494</b>	<b>964</b>	<b>3,028</b>	<b>100.0%</b>

Reason for Patdowns vs Time of Day	12:00 AM - 2:59 AM	3:00 AM - 5:59 AM	6:00 AM - 8:59 AM	9:00 AM - 11:59 AM	12:00 PM - 2:59 PM	3:00 PM - 5:59 PM	6:00 PM - 8:59 PM	9:00 PM - 11:59 PM	Individual FI's	% of Total
Actions Indicate Engaged In Criminal Activity	6	5	2	1	2	10	28	32	86	10.7%
Frisked/Officer Safety	140	41	13	27	25	50	111	204	611	76.0%
Furtive Movements	7	1	0	1	1	4	8	22	44	5.5%
Refuse To Comply With PO Direction/Safety	0	1	0	1	1	0	1	3	7	0.9%
Suspect Known Prior	1	1	0	0	0	1	0	1	4	0.5%
Suspect Possible Dangerous Weapon	0	1	1	3	3	11	4	8	31	3.9%
Suspicious Bulge/Object	4	2	0	0	1	0	3	7	17	2.1%
Failed to Indicate a Reason	0	1	0	0	0	0	0	3	4	0.5%
<b>Total</b>	<b>158</b>	<b>53</b>	<b>16</b>	<b>33</b>	<b>33</b>	<b>76</b>	<b>155</b>	<b>280</b>	<b>804</b>	<b>100.0%</b>

Nassau County Demographics		% of Population
White		55.8%
Hispanic/ Latino		18.4%
Black/ African American		10.6%
Asian/Pacific Islander		11.7%
Other		3.5%
<b>Total</b>		<b>100.0%</b>

\*Demographic information is based off of 2020 Census data

Nassau County Police Department estimates having at least one million public interactions each year. When comparing the number of field interviews to the number of public interactions, field interviews account for less than 0.4% of all interactions.

Last Updated: 1/27/2022

NASSAU COUNTY POLICE DEPARTMENT



# NASSAU COUNTY POLICE DEPARTMENT COMPLAINTS DATA



Data Date Range: January 2021 Through December 2021

Total Complainants	Male	Female	Unknown/ Other	Total	% of Total
Asian/Pacific Islander	1	1	0	2	0.5%
Black	26	22	0	48	12.7%
Hispanic/ Latino	6	8	0	14	3.7%
Unknown	37	31	185	253	66.8%
White	40	22	0	62	16.4%
<b>Total</b>	<b>110</b>	<b>84</b>	<b>185</b>	<b>379</b>	<b>100.0%</b>

Nassau County Demographics	% of Population
White	55.8%
Hispanic/ Latino	18.4%
Black/ African American	10.6%
Asian/Pacific Islander	11.7%
Other	3.5%
<b>Total</b>	<b>100.0%</b>

\*Demographic information is based off of 2020

Census data

The "Other" Category includes people who can be identified as 2 or more Races. Some examples of this include, but are not limited to, people who are both white and black, black and hispanic, etc.

Complaints	Complaints	% of Total	2021 Founded Allegations	2020 Founded Allegations	2019 Founded Allegations
Improper Procedures	203	41.3%	14	15	22
Unprofessional Conduct	148	30.1%	12	10	20
Other	62	12.6%	32	39	104
Neglect of Duty	17	3.5%	0	3	2
Unlawful Conduct	15	3.1%	8	5	18
Racial/ Ethnic Bias	9	1.8%	0	0	0
False Arrest	9	1.8%	0	0	0
Excessive Force	28	5.7%	0	0	0
<b>Total</b>	<b>491</b>	<b>100.0%</b>	<b>66</b>	<b>72</b>	<b>166</b>

**Note:** The Breakdown on Gender/ Race of complaints does not equal the total number of complaints. Sometimes a person files multiple complaints/allegations or there are multiple complaints for the same incident.

Nassau County Police Department estimates having at least one million public interactions each year. When comparing the number of complaints to the number of public interactions, complaints account for less than 0.1% of all interactions.

Last Updated: 1/27/2022

NASSAU COUNTY POLICE DEPARTMENT





# NASSAU COUNTY POLICE DEPARTMENT SUMMONS DATA



Data Date Range: January 2021 Through December 2021

Number of VTL Traffic Stops	Male	Female	Unknown/ Other	Total	% of Total	Warning	Summons Issued	Other	# of Summons
Asian, East Indian	2,528	786	3	3,317	9.49%	611	2,659	47	6,983
Black	5,521	1,841	17	7,379	20.9%	2,484	4,718	177	16,870
Hispanic/ Latino	6,194	1,483	7	7,684	21.8%	1,692	5,823	169	18,674
Native American	14	2	0	16	0.0%	4	12	0	24
Other	953	309	30	1,292	3.7%	255	999	38	3,127
Unknown	0	0	0	0	0.0%	0	0	0	0
White	9,109	4,028	10	13,147	37.2%	3,241	9,507	399	21,804
Company	2,489	2,489	2,489	2,489	7.0%	12	2,126	351	14,225
<b>Total</b>	<b>24,319</b>	<b>8,449</b>	<b>2,556</b>	<b>35,324</b>	<b>100.0%</b>	<b>8,299</b>	<b>25,844</b>	<b>1,181</b>	<b>81,707</b>

Top 10 Communities with the Most VTL Stops Compared to CFS Breakdown	# of VTL's	% of VTL's	# of Calls
Massapequa	1,686	4.8%	12,569
Levittown	1,421	4.0%	9,952
Hicksville	1,484	4.2%	13,585
Jericho	1,307	3.7%	4,402
Plainview	1,399	4.0%	6,785
East Hills	1,262	3.6%	2,323
Oceanside	944	2.7%	10,517
Westbury	1,071	3.0%	10,955
Syosset	951	2.7%	6,247
Merrick	1,009	2.9%	5,940
<b>Total</b>	<b>12,534</b>	<b>35.5%</b>	<b>83,275</b>

Nassau County Demographics	% of Population
White	55.8%
Hispanic/ Latino	18.4%
Black/ African American	10.6%
Asian/Pacific Islander	11.7%
Other	3.5%
<b>Total</b>	<b>100.0%</b>

\*Demographic information is based off of 2020

Census data

The "Other" Category includes people who can be identified as 2 or more Races. Some examples of this include, but are not limited to, people who are both white and black, black and hispanic, etc.

When breaking down the number of summonses, Nassau County Residents make up 56.1% of all summonses, while Non Residents make up 43.9%

Over **41%** of all VTL Summonses were issued by the **NCPD Highway Patrol Bureau (HBP)**. A majority of these summonses where issued on the **Long Island Expressway (I-495)**.  
Nassau County Police Department estimates having at least one million public interactions each year. When comparing the number of VTL stops to the number of public interactions, VTL stops account for less than 3.6% of all interactions.

Last Updated: 1/27/2022

NASSAU COUNTY POLICE DEPARTMENT



# Department Procedure

PROCEDURE TITLE

PROCEDURE NUMBER

REVISION

## Civilian Complaint Investigations

ADM 1211

2

### POLICY

The policy of the Police Department is to promptly and thoroughly investigate complaints and allegations of misconduct made against Members of the Department. The Department will accept all complaints of misconduct, investigate them to determine their validity, and take necessary steps to correct deficiencies in the member's behavior or Department procedures and practices.

### PURPOSE

To establish procedures for accepting, documenting, and investigating civilian complaints made against Members of the Department.

### DEFINITIONS

**Civilian complaint:** a complaint alleging that a Member of the Department has committed an act or omission, in violation of Department Rules, including, but not limited to:

1. **excessive use of force:** the complaint alleges that force used by the member was in excess of what would be reasonable, justifiable and proper in accordance with department training, procedures and established laws,
2. **false arrest:** the complaint alleges that the custody or restraint of a person's liberty was improper or violated a person's civil rights,
3. **improper tactics/procedures:** the complaint alleges that the member's conduct was unjust, improper or violated established agency directives or training,
4. **neglect of duty:** the complaint alleges a failure to take required, dutiful or expected action,
5. **police impersonation:** the complaint alleges that a civilian, including an unsworn member of the Department, pretends to be a police officer or other law enforcement officer and expresses, in words or deed, that he or she is acting with the authority or the approval of the police department,
6. **racial/ethnic bias:** the complaint alleges that the actions taken by the member were precipitated or based solely on the race or ethnicity (perceived or actual) of the person(s) involved,
7. **unlawful conduct:** the complaint alleges that the member engaged in conduct that constitutes an illegal act outlined in statutes, criminal or civil codes,
8. **unprofessional conduct or attitude:** the complaint alleges that the member's conduct, bearing, language or attitude were inappropriate, unprofessional and not in keeping with the standards of the department,
9. **violation of Department Rules:** the conduct alleged violates current Department Rules as outlined in the Department Manual, Notifications and Orders,
10. other conduct which reflects negatively upon the member or the Department.

**Note:** Unless it is determined **immediately** that an actual law enforcement officer is the subject of the allegation, a civilian complaint of police impersonator will be prepared in addition to a case report.

**Complaint finding:** the determination reached at the conclusion of a civilian complaint investigation:

1. **Founded:** sufficient evidence exists to prove the allegation.
2. **Unfounded:** the allegation is false or not factual.

ISSUING AUTHORITY

SIGNATURE

EFFECTIVE DATE

PAGE

Commissioner

Patrick J. Ryder

11/18/2020

1 of 9

	<ol style="list-style-type: none"> <li>3. <b>Undetermined:</b> insufficient evidence to either prove or disprove the allegation.</li> <li>4. <b>Exonerated:</b> the incident did occur, but the actions of the accused were justified, lawful, and proper.</li> </ol> <p><b>Command Internal Affairs Liaison:</b> The supervisor in the investigating command designated by the Commissioner of Police or Division Chief as the primary contact and coordinator for the Internal Affairs Unit (IAU).</p> <p><b>Investigating command:</b> the command responsible for investigating civilian complaints, determined as follows:</p> <ol style="list-style-type: none"> <li>1. Internal Affairs Unit will be the investigating command when directed by the Commissioner of Police, or as otherwise determined by the Commanding Officer (CO) of IAU or Professional Standards Bureau.</li> <li>2. the member's assigned command will be the investigating command when one member, or multiple members from the same command, are the subject of the complaint.</li> <li>3. the command in charge of an incident or detail will be the investigating command when multiple members from different commands are the subjects of the complaint.</li> </ol>
<b>SCOPE</b>	All Members of the Department.
<b>SOURCES</b>	International Association of Chiefs of Police (IACP) Model Policy (Investigation of Allegations of Employee Misconduct)
<b>RULES</b>	<ol style="list-style-type: none"> <li>1. Members of the Department will immediately notify a supervisor upon receiving a request to file a civilian complaint.</li> </ol>
<b>REPLACES</b>	ADM 1211, Revision 1, dated 08/07/2009
<b>PROCEDURE</b>	<b>A. Receiving the Complaint</b>
<b>Member of the Department</b>	<ol style="list-style-type: none"> <li>1. <i>Receives</i> a complaint, including an anonymous or third party complaint, in any of the following ways: <ol style="list-style-type: none"> <li>a. in person,</li> <li>b. by telephone,</li> <li>c. by mail,</li> <li>d. via e-mail,</li> <li>e. via department website complaint submission.</li> </ol> </li> <li>2. <i>Immediately notifies</i> a Supervisor of the complaint.</li> </ol>
<b>Supervisor</b>	<ol style="list-style-type: none"> <li>3. <i>Explains</i> the procedure for filing a complaint and <i>provides</i> the complainant, if present, with the Public Advisory "Compliment or Complaint" pamphlet.</li> <li>4. <i>Interviews</i> the complainant or <i>reviews</i> the details of a written complaint to determine the following: <ol style="list-style-type: none"> <li>a. the nature and details of the conduct alleged, <b>and</b></li> <li>b. the identity of: <ol style="list-style-type: none"> <li>(1) the complainant, unless anonymity is requested,</li> <li>(2) the subject of the complaint,</li> <li>(3) the witnesses.</li> </ol> </li> </ol> </li> <li>5. If the conduct alleged does not constitute a civilian complaint <b>[See Definition]</b>, <i>resolves</i> the complaint. <b>[End of Procedure]</b></li> </ol>

Supervisor	<p><b>Note:</b> An example of a complaint that can be resolved immediately is a complaint about the receipt of a traffic ticket. If the person is complaining about the officer's conduct, a civilian complaint investigation will be commenced. If the person is present to argue his innocence, no civilian complaint investigation will be commenced, and the person should be directed to traffic court by the supervisor.</p> <p>6. If the complaint <b>does</b> constitute a civilian complaint, <i>enters</i> the complaint information in the Blue Team Complaint Tracking Program.</p>
CB Supervisor	<p><b>Note:</b> The Citizen Complaint Report can be accessed through the Blue Team Link on the intranet homepage. Choose "add new incidents" and then choose "Citizen Complaint" as the incident type.</p> <p>7. If there is an allegation of a possible police impersonation complaint received at Communications Bureau and the Supervisor is a civilian:</p> <ol style="list-style-type: none"> <li><i>takes</i> the following information from the complainant: <ol style="list-style-type: none"> <li>location of incident,</li> <li>name of complainant,</li> <li>call back number</li> </ol> </li> <li><i>advises</i> the complainant they are being transferred to the Desk Officer of the precinct of occurrence,</li> <li><i>gives</i> the phone number of the precinct of occurrence in case they are disconnected,</li> <li><i>transfers</i> the call to the Desk Officer of the precinct of occurrence and <i>remains</i> on the line to ensure the transfer was successful. <b>[End of Procedure]</b></li> </ol>
Supervisor	<p>8. If there is an allegation of a possible police impersonator and it is determined that:</p> <ol style="list-style-type: none"> <li>the subject <b>is not a Force</b> member of the Nassau County Police Department: <ol style="list-style-type: none"> <li><i>prepares</i> a Blue Team Police Impersonation Complaint,</li> <li><i>prepares</i> a case report for further investigation by the Detective Division,</li> </ol> </li> <li>the subject <b>is a Force</b> member of the Nassau County Police Department: <ol style="list-style-type: none"> <li><i>investigates</i> the incident,</li> <li><i>documents</i> a civilian complaint if there is an allegation of misconduct. <b>[Go to step A.11]</b></li> </ol> </li> <li>the subject is identified as a member of another law enforcement agency: <ol style="list-style-type: none"> <li><i>investigates</i> the incident,</li> <li><i>documents</i> a For Other Authority (FOA) complaint via Blue Team if there is an allegation of misconduct, <b>[go to step A.10]</b></li> <li><i>directs</i> further investigation if there is an allegation of unlawful conduct.</li> </ol> </li> <li>the person remains unidentified, or is identified and <b>is not</b> a police officer with any agency: <ol style="list-style-type: none"> <li><i>directs</i> an appropriate investigation,</li> <li><i>prepares</i> a Police Impersonator Case Report,</li> </ol> </li> </ol>

Desk Officer

Supervisor

- (3) *enters* a complaint into Blue Team ***whether or not*** a civilian requests a complaint be documented.

**Note:** When entering a police impersonation incident into Blue Team, choose *Police Impersonator* instead of *Citizen Complaint* in the Complaint Type drop-down menu. Use complainant's name and enter any other witnesses to the event. For Subject Officer, search by NAME, enter IMPERSONATOR, and SELECT the Impersonator from the search list. ADD allegation OTHER-POLICE IMPERSONATOR from the drop-down menu.

9. *Forwards* all case reports for police impersonator to the appropriate precinct squad for follow-up investigation, ***whether or not*** a civilian request an arrest.

10. If the complainant or the subject of the complaint, including arrests, is a member of another law enforcement agency,

a. *records* any available information on PDCN Form 360, Civilian Complaint Report Worksheet, if necessary, indicating For Other Authority (FOA) but ***without*** obtaining a civilian complaint number,

b. *chooses* For Other Authority (FOA) instead of Citizen Complaint, and *enters* complaint into Blue Team,

c. *enters* the member of another law enforcement agency as appropriate as either:

- (1) Reporting Person/Citizen (***do not*** select officer) ***or***,  
(2) Citizen Witness, if the subject.

d. *selects* "Role" on the Incident Links screen under outside agency member's name and *selects* Outside Agency Member, from the drop-down menu,

e. *notifies* the outside agency member's department immediately if the member is arrested and/or firearms need to be secured,

f. *refers* the complainant to the outside agency, in addition to completing an FOA Blue Team complaint,

g. *emails* the following to the IAU Complaint Mailbox:

- (1) ***signed*** copy of the Blue Team FOA,  
(2) case and/or arrest report, as well as all related documentation, if applicable,  
(3) DCJS 3221, NYS Domestic Incident Report, if applicable. **[End of Procedure]**

11. *Determines* if the conduct alleged in the civilian complaint involving a Department member constitutes any of the following:

- a. criminal conduct,  
b. excessive use of force with a complaint of physical injury,  
c. conduct, that by its nature or in context, is likely to stimulate intense community concern or reaction.

12. If the conduct alleged ***does not*** constitute any of the items listed in step A11, **[Go to Section B]**.

13. If the conduct alleged ***does*** constitute any of the items listed in step A11, *notifies* the Commanding Officer.



Supervisor	<p>14. <i>Initiates</i> the Administrative Duty Coverage Procedure, if after hours. <a href="#">[See ADM 2010]</a></p> <p>15. <i>Notifies</i> IAU,</p> <ol style="list-style-type: none"> <li>at the direction of the Commanding Officer or Duty Inspector, <b>or</b></li> <li>if the circumstances are such that a delay might compromise the investigation.</li> </ol> <p>16. <i>Documents</i> the notifications in command electronic blotter.</p>
Duty Inspector	<p>17. <i>Notifies</i> the Commanding Officer, if not already notified.</p>
Commanding Officer/ Duty Inspector	<p>18. <i>Notifies</i> the Division Chief or Duty Chief.</p>
Division Chief/Duty Chief	<p>19. <i>Notifies</i> the Chief of Department, or if unavailable, the Commissioner of Police.</p>
Chief of Department	<p>20. <i>Reviews</i> the complaint with the Division Chief and <i>notifies</i> the Commissioner of Police.</p>
Commissioner of Police	<p>21. <i>Evaluates</i> the complaint and <i>directs</i> IAU to conduct the investigation.</p>
	<p><b>B. Documenting the Complaint</b></p>
Supervisor	<p>1. <i>Obtains</i> all the pertinent information utilizing, if necessary, a PDCN Form 360, Civilian Complaint Report Worksheet to record information.</p> <p>2. <i>Makes every attempt</i> to identify any involved, unidentified member(s) including, but not limited to, the review of:</p> <ol style="list-style-type: none"> <li>roll calls,</li> <li>CAD/GPS systems,</li> <li>any other department databases.</li> </ol> <p>3. <i>Collects</i> and <i>preserves</i> any physical evidence.</p> <p><b>Note:</b> Preservation of physical evidence would include photographs of any alleged injuries.</p>
CB Operations Desk Supervisor	<p>4. <i>Takes</i> a written statement from the complainant utilizing PDCN Form 32B, Supporting Deposition.</p> <p>5. <i>Calls</i> the CB Operations Desk Supervisor for the next civilian complaint number.</p>
Supervisor	<p>6. <i>Records</i> the Supervisor's name, serial number and command in the complaint tracking logbook.</p> <p>7. <i>Issues</i> a civilian complaint number to the Supervisor.</p>
	<p>8. <i>Advises</i> the complainant he/she will be contacted within three (3) business days by a supervisor, and <i>gives</i> them the civilian complaint number.</p>
	<p>9. If the complainant is present, <i>prepares</i> PDCN Form 362, Civilian Complaint Information Card, and <i>gives</i> it to the complainant.</p>
Supervisor	<p>10. <i>Enters</i> the complaint information in Blue Team.</p> <p><b>Note:</b> The Citizen Complaint Report can be accessed through the Blue Team Link on the intranet homepage. Choose "add</p>

Desk Officer

Supervisor

- (3) *enters* a complaint into Blue Team ***whether or not*** a civilian requests a complaint be documented.

**Note:** When entering a police impersonation incident into Blue Team, choose *Police Impersonator* instead of *Citizen Complaint* in the Complaint Type drop-down menu. Use complainant's name and enter any other witnesses to the event. For Subject Officer, search by NAME, enter IMPERSONATOR, and SELECT the Impersonator from the search list. ADD allegation OTHER-POLICE IMPERSONATOR from the drop-down menu.

9. *Forwards* all case reports for police impersonator to the appropriate precinct squad for follow-up investigation, ***whether or not*** a civilian request an arrest.
10. If the complainant or the subject of the complaint, including arrests, is a member of another law enforcement agency,
  - a. *records* any available information on PDCN Form 360, Civilian Complaint Report Worksheet, if necessary, indicating For Other Authority (FOA) but ***without*** obtaining a civilian complaint number,
  - b. *chooses* For Other Authority (FOA) instead of Citizen Complaint, and *enters* complaint into Blue Team,
  - c. *enters* the member of another law enforcement agency as appropriate as either:
    - (1) Reporting Person/Citizen (***do not*** select officer) ***or***,
    - (2) Citizen Witness, if the subject.
  - d. *selects* "Role" on the Incident Links screen under outside agency member's name and *selects* Outside Agency Member, from the drop-down menu,
  - e. *notifies* the outside agency member's department immediately if the member is arrested and/or firearms need to be secured,
  - f. *refers* the complainant to the outside agency, in addition to completing an FOA Blue Team complaint,
  - g. *emails* the following to the IAU Complaint Mailbox:
    - (1) ***signed*** copy of the Blue Team FOA,
    - (2) case and/or arrest report, as well as all related documentation, if applicable,
    - (3) DCJS 3221, NYS Domestic Incident Report, if applicable. **[End of Procedure]**
11. *Determines* if the conduct alleged in the civilian complaint involving a Department member constitutes any of the following:
  - a. criminal conduct,
  - b. excessive use of force with a complaint of physical injury,
  - c. conduct, that by its nature or in context, is likely to stimulate intense community concern or reaction.
12. If the conduct alleged ***does not*** constitute any of the items listed in step A11, **[Go to Section B]**.
13. If the conduct alleged ***does*** constitute any of the items listed in step A11, *notifies* the Commanding Officer.



**Investigating Supervisor**

4. *Initiates* the investigation.
5. *Reviews* the Citizen Complaint Summary and other related paperwork.
6. *Contacts* the complainant as soon as practical after receipt of the complaint and *re-interviews*, if necessary.
7. *Conducts* a canvass, if necessary.
8. *Interviews* the following:
  - a. civilian witnesses,
  - b. police witnesses.
9. *Obtains* statements from civilian witnesses when appropriate.
10. *Collects* and *preserves* evidence not previously collected, such as:
  - a. photographs of the complainant,
  - b. photographs of location, if appropriate,
  - c. audio recordings of radio transmissions relating to the incident,
  - d. any related video footage.
11. *Interviews* the member who is the subject of the complaint.
12. *Notifies* the Commanding Officer when it is determined that members from other commands are involved.

**Commanding Officer Investigating Command**

13. *Notifies* the Commanding Officer(s) of those secondary commands.

**Commanding Officer Secondary Command**

14. *Assigns* the Command Internal Affairs Liaison to assist in the investigation.

**Command Internal Affairs Liaison/ Commanding Officer Secondary Command**

15. *Assists* in the investigation and *forwards* any relevant paperwork to the investigating supervisor of the investigating command.

**Investigating Supervisor**

16. *Evaluates* all the information collected during the investigation.
17. *Notifies* the Command Internal Affairs Liaison if:
  - a. the investigation is complex or of a serious nature, *or*
  - b. the investigation will take more than 30 days to complete.

**Command Internal Affairs Liaison**

18. *Monitors* the status of civilian complaint investigations to ensure timely completion.
19. *Notifies* the Commanding Officer and IAU if the investigation will go beyond the assigned due date.

**Commanding Officer**

20. *Monitors* the status of civilian complaint investigations to ensure a thorough investigation and timely completion.

Investigating  
Supervisor

Command Internal  
Affairs Liaison

Commanding Officer  
Investigating  
Command

Command Internal  
Affairs Liaison

Investigating  
Supervisor

Commanding Officer  
Investigating  
Command

Division Chief

Chief of Department

## D. Complaint Findings

1. *Concludes* the follow-up investigation with a complaint finding. [\[See Definition\]](#)
2. *Prepares* PDCN Form 361, Civilian Complaint Disposition.
- Note:** The Investigating Supervisor must address the original allegation and not change the allegation when preparing PDCN Form 361. The narrative can be used to explain any pertinent details.
3. *Forwards* PDCN Form 361 to the Command Internal Affairs Liaison.
4. *Reviews* PDCN Form 361 and *confers* with Commanding Officer for disposition approval.
5. *Reviews* the complaint findings and *confers* with the Investigating Supervisor if any discrepancies exist.
6. *Approves* the complaint findings and *signs* PDCN Form 361.
7. *Contacts* the complainant with the results of the investigation, **and:**
  - a. *asks* the complainant if they are satisfied with the investigation and the complaint finding, **and**
  - b. *records* results of complainant contact on PDCN Form 361.
8. *Forwards* PDCN Form 361 and related paperwork to the Commanding Officer.
9. *Forwards* a copy of PDCN Form 361 to the member's Immediate Supervisor.
10. *Notifies* the member of the results of the investigation.
11. *Forwards* the following:
  - a. the original PDCN Form 361 to the Chief of Department, TOC, with a copy of the citizen complaint summary.
  - b. a copy of PDCN Form 361 to any other subject member's Commanding Officer,
12. *Maintains* a file in the investigating command, containing the following:
  - a. a copy of the Citizen Complaint Summary,
  - b. a copy of PDCN Form 361,
  - c. all related documents and evidence.
13. If retraining or disciplinary action is required, *initiates* appropriate procedures.
14. *Reviews* any relevant policies, procedures and training practices to determine if revisions are warranted.
15. *Reviews* and *signs* PDCN Form 361.
16. *Forwards* PDCN Form 361 to the Chief of Department.
17. *Reviews* and *signs* PDCN Form 361.

## Civilian Complaint Investigations

ADM 1211 2

Chief of Department

18. *Forwards* PDCN Form 361 to Commanding Officer Professional Standards Bureau (PSB).

Commanding Officer  
PSB

19. *Reviews* and *signs* PDCN Form 361.

20. *Forwards* PDCN Form 361 to IAU.

Commanding Officer  
IAU

21. *Reviews* and *signs* PDCN Form 361.

22. *Ensures* that:

- a. the complaint findings are entered into the complaint tracking database, *and*
- b. the original PDCN Form 361 is filed.

## Appendix E

### **SECTION 70-B**

Office of special investigation

Executive (EXC) CHAPTER 18, ARTICLE 5

§70-b. Office of special investigation. 1. There shall be established within the office of the attorney general an office of special investigation. Notwithstanding any other provision of law, the office of special investigation shall investigate and, if warranted, prosecute any alleged criminal offense or offenses committed by a person, whether or not formally on duty, who is a police officer, as defined in subdivision thirty-four of section 1.20 of the criminal procedure law, or a peace officer as defined in section 2.10 of the criminal procedure law, provided that such peace officer is employed or contracted by an education, public health, social service, parks, housing or corrections agency, or is a peace officer as defined in subdivision twenty-five of section 2.10 of the criminal procedure law, concerning any incident in which the death of a person, whether in custody or not, is caused by an act or omission of such police officer or peace officer or in which the attorney general determines there is a question as to whether the death was in fact caused by an act or omission of such police officer or peace officer.

## Appendix F

### SECTION 75

Law enforcement misconduct investigative office  
Executive (EXC) CHAPTER 18, ARTICLE 5

§75. Law enforcement misconduct investigative office. 1. Jurisdiction. This section shall, subject to the limitations contained in this section, confer upon the law enforcement misconduct investigative office jurisdiction over all covered agencies. For the purposes of this section "covered agency" means an agency of any political subdivision within the state maintaining a police force or police forces of individuals defined as police officers in section 1.20 of the criminal procedure law, provided however, covered agency does not include any agency, public authority, or other entity under the jurisdiction of the state inspector general pursuant to article four-A of the executive law, the metropolitan transportation authority inspector general pursuant to section one thousand two hundred seventy-nine of the public authorities law, or the port authority inspector general pursuant to chapter one hundred fifty-four of the laws of nineteen twenty-one.

2. Establishment and organization. (a) There is hereby established the law enforcement misconduct investigative office in the department of law. The head of the office shall be a deputy attorney general who shall be appointed by the attorney general.

(b) Such deputy attorney general may appoint one or more assistants to serve at his or her pleasure.

(c) The salary for the head of such office shall be established within the limit of funds available therefore; provided, however, such salary shall be no less than the salaries of certain state officers holding the positions indicated in paragraph (a) of subdivision one of section one hundred sixty-nine of this chapter.

(d) The mission of the law enforcement misconduct investigative office shall be to review, study, audit and make recommendations relating to the operations, policies, programs and practices, including ongoing partnerships with other law enforcement agencies, of state and local law enforcement agencies with the goal of enhancing the effectiveness of law enforcement, increasing public safety, protecting civil liberties and civil rights, ensuring compliance with constitutional protections and local, state and federal laws, and increasing the public's confidence in law enforcement.

3. Functions and duties. The deputy attorney general shall have the following duties and responsibilities:

(a) receive and investigate complaints from any source, or upon his or her own initiative, concerning allegations of corruption, fraud, use of excessive force, criminal activity, conflicts of interest or abuse in any covered agency;

(b) inform the heads of covered agencies of such allegations and the progress of investigations related thereto, unless special circumstances require confidentiality;

(b-1) promptly inform the division of criminal justice services, in the form and manner prescribed by the division, of such allegations and the progress of investigations related thereto unless special circumstances require confidentiality. Nothing in this paragraph shall require the division of criminal justice services to participate in the investigation of such allegations or take action or prevent the division of criminal justice services from taking action authorized pursuant to subdivision three of section eight hundred forty-five of this chapter in the time and manner determined by the commissioner

of the division of criminal justice services;

(c) determine with respect to such allegations whether disciplinary action, civil or criminal prosecution, or further investigation by an appropriate federal, state or local agency is warranted, and to assist in such investigations, if requested by such federal, state, or local agency;

(d) prepare and release to the public written reports of investigations, as appropriate and to the extent permitted by law, subject to redaction to protect the confidentiality of witnesses and other information that would be exempt from disclosure under article six of the public officers law. The release of all or portions of such reports may be temporarily deferred to protect the confidentiality of ongoing investigations;

(e) review and examine periodically the policies and procedures of covered agencies with regard to the prevention and detection of corruption, fraud, use of excessive force, criminal activity, conflicts of interest and abuse;

(f) recommend remedial action to prevent or eliminate corruption, fraud, use of excessive force, criminal activity, conflicts of interest and abuse in covered agencies; and

(g) investigate patterns, practices, systemic issues, or trends identified by analyzing actions, claims, complaints, and investigations, including, but not limited to, any patterns or trends regarding departments, precincts, and commands; and

(h) on an annual basis, submit to the governor, the attorney general, the temporary president of the senate, the speaker of the assembly, the minority leader of the senate and the minority leader of the assembly, no later than December thirty-first, a report summarizing the activities of the office and recommending specific changes to state law to further the mission of the law enforcement misconduct investigative office.

4. Powers. The deputy attorney general shall have the power to:

(a) subpoena and enforce the attendance of witnesses;

(b) administer oaths or affirmations and examine witnesses under oath;

(c) require the production of any books and papers deemed relevant or material to any investigation, examination or review;

(d) notwithstanding any law to the contrary, examine and copy or remove documents or records of any kind prepared, maintained or held by any covered agency;

(e) require any officer or employee in a covered agency to answer questions concerning any matter related to the performance of his or her official duties. No statement or other evidence derived therefrom may be used against such officer or employee in any subsequent criminal prosecution other than for perjury or contempt arising from such testimony. The refusal of any officer or employee to answer questions shall be cause for removal from office or employment or other appropriate penalty;

(f) monitor the implementation by covered agencies of any recommendations made by the law enforcement misconduct investigative office; and

(g) perform any other functions that are necessary or appropriate to fulfill the duties and responsibilities of office.

5. Responsibilities of covered agencies, officers and employees. (a) Every officer or employee in a covered agency shall report promptly to the law enforcement misconduct investigative office any information concerning corruption, fraud, use of excessive force, criminal activity, conflicts of interest or abuse by another officer or employee relating to his or her office or employment, or by a person having business dealings with a covered agency relating to those dealings. The knowing failure of any officer or employee to so report shall be cause for removal from office or employment or other appropriate penalty. Any officer or employee who acts pursuant to this subdivision by reporting to the law enforcement misconduct investigative office shall not be subject to dismissal, discipline or other adverse personnel action.

(b) Upon receiving at least five complaints from five or more individuals relating to at least five separate incidents involving a certain officer or employee within two years, the head of any covered agency shall refer such complaints to the law enforcement misconduct investigative office for review. The law enforcement misconduct investigative office shall investigate such complaints to determine whether the subject officer or employee has engaged in a pattern or practice of misconduct, use of excessive force, or acts of dishonesty. The referral and investigation pursuant to this subdivision shall be in addition to and shall not supersede any civil, criminal, administrative or other action or proceeding relating to such complaints or the subject officer or employee.

(c) The head of any covered agency shall advise the governor, the temporary president of the senate, the speaker of the assembly, the minority leader of the senate, the minority leader of the assembly and the division of criminal justice services within ninety days of the issuance of a report by the law enforcement misconduct investigative office as to the remedial action that the agency has taken in response to any recommendation for such action contained in such report.

(d) Nothing in this section shall be construed to impede, infringe, or diminish the rights, privileges, benefits or remedies that accrue to any employee pursuant to any agreement entered into pursuant to article fourteen of the civil service law.



Custom004 - Nassau County, N.Y. X

https://www.nassaucountyny.gov/eq203

Most Visited Getting Started Image Glicia Tool

NASSAU COUNTY NEW YORK | Government Departments Residents Visit Nassau Business & Investor Relations e-Services Nassau A-Z

Search

Home Accessibility Browser Support Copyright Notices Disclaimer Employment Opportunities Privacy Policy Site Map Contact Us Powered by CivicPlus®

Select Language

Home » Custom004

**Oops, looks like that page doesn't exist.**

The page you are looking for can't be found. Go to the home page by clicking [here](#).

To improve your experience on the website, please use the latest versions of Mozilla Firefox or Google Chrome

You entered: <https://www.nassaucountyny.gov/5080/NYS-Executive-Order-203>

[Return to the home page](#)

\*Screenshot taken at 12:10pm on Tuesday, Oct. 11, 2022